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Canada Royal Commission on
Pilots

Hearings

1962-63

no 2

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R O Y A L C O M M I S S I O N

on

M A R I N E P I L O T A G E

Proceedings

of

P R E L I M I N A R Y H E A R I N G

Held at

O T T A W A

December 21, 1962-63





ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of preliminary
hearing held in the Exchequer
Court, Ottawa, Ontario, on
Friday, the 21st day of
December, 1962.

COMMISSION

The Honourable Mr. Justice Bernier Chairman

Robert K. Smith, Esq. Member

Harold A. Renwick, Esq. Member

Mr. Gilbert W. Nadeau Secretary

COMMISSION COUNSEL

Mr. Maurice Jacques, Q.C.

Mr. Jean Brisset, Q.C., for the Shipping
Federation of Canada.

Mr. Marc Lalonde for the Corporation of
Lower St. Lawrence Pilots; Corporation
of Mid St. Lawrence Pilots; Corporation
of Montreal Harbour Pilots; Corporation
of the St. Lawrence River and Seaway
Pilots; Corporation of Upper St.
Lawrence Pilots; Corporation of
Professional Great Lakes Pilots;
Federation of St. Lawrence River Pilots.

Mr. Leopold Langlois, Q.C., for the Canadian
Merchant Service Guild, Inc.

Mr. Luc-Andre Couture, for the St. Lawrence Seaway
Authority.

Mr. Norman H. Bowen, for the National
Harbours Board.



1 Mr. W.M.H. Colvin, for the Toronto Harbour
2 Commissioners, the International
3 Association of Great Lakes Ports,
4 and the Canadian Ports and Harbours
5 Association.

6 Mr. John J. Mahoney, for the Dominion
7 Marine Association.

8 Mr. W.J. Fisher, for the Canadian Shipowners
9 Association.

10 Mr. Yves Poisson, for the Industrial and
11 Trade Bureau of Greater Quebec, Inc.

12 ALSO PRESENT

13 Mr. Pierre Camu, Administration de la
14 Voie Maritime du Saint Laurent.

15 Mr. Andre C. Bedard, Federation des Pilotes
16 du Saint Laurent.

17 Mr. R.A. Stevenson, Corporation of Great
18 Lakes Professional Pilots.

19 Mr. Orance Hamelin, National Pilots
20 Committee.

21 Mr. L.E. McDonald and Mr. Victor Barry,
22 Canadian Merchant Service Guild, Inc.

23 Mr. F.S. Slocombe, Department of Transport.

24 Mr. J.E. Matheson, Assistant General Manager,
25 Shipping Federation of Canada.



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2
3 M. LE PRESIDENT: Messieurs, le Secrétaire va
4 d'abord nous donner lecture du texte de la commission
5 émis sous le Grand Sceau du Canada, par lequel mes collè-
6 gues et moi-même avons été nommés commissaires pour faire
7 enquête et présenter un rapport sur les problèmes relatifs
8 au pilotage maritime au Canada. Ce document sera ensuite
9 produit comme première pièce au dossier.

10 Gentlemen, I would like the Secretary to read
11 the Commission under the Great Seal of Canada, appointing
12 my colleagues and I to inquire into and report upon the
13 problems relating to marine pilotage provided in Canada,
14 and to file this document as the first exhibit in our
15 public proceedings.

16 LE SECRETAIRE: Monsieur le président, voici
17 le texte français de cette commission nommant l'honorable
18 Yves Bernier et autres commissaires, chargés d'enquêter
19 sur les problèmes relatifs au pilotage maritime au Canada,
20 datée du 30 novembre 1962, enregistrée la même date et
21 signée par le sous-secrétaire d'Etat.

22 "

GEORGE P. VANIER

23 C A N A D A

24 ELISABETH DEUX, par la grâce de
25 Dieu, Reine du Royaume-Uni, du Canada et
26 de ses autres royaumes et territoires,
27 Chef du Commonwealth, Défenseur de la Foi.

28 Grand Sceau du Canada

29 A TOUS CEUX à qui les présentes par-
30 viendront ou qu'icelles pourront de quelque manière
concerner

SALUT:



VU les dispositions de la Partie I de la Loi sur les enquêtes, au chapitre 154 des Statuts révisés du Canada, 1952, en vertu desquelles Son Excellence le Gouverneur en conseil, par le décret C.P. 1962-1575 du premier jour de novembre de l'an de grâce mil neuf cent soixante-deux, dont un exemplaire est ici joint, a autorisé la nomination de nos Commissaires y et ci-après désignés pour qu'ils fassent enquête et présentent un rapport sur les problèmes relatifs au pilotage maritime au Canada, tout particulièrement en ce qui concerne le pilotage assuré en vertu de la Loi sur la marine marchande du Canada, et qu'ils recommandent les modifications qu'il y aurait lieu d'apporter au système de pilotage actuel, compte tenu de la sécurité de la navigation, de l'expansion du transport maritime, des intérêts des pilotes, des armateurs, des capitaines et du grand public, et en particulier, mais sans restreindre la portée générale de ce qui précède, pour que les Commissaires fassent enquête et présentent un rapport sur les points suivants:

- a) L'étendue et la nature des exigences du pilotage maritime, y compris le pilotage obligatoire, le paiement obligatoire des droits de pilotage et les exemptions;



b) Les fonctions, les responsabilités
et la condition des pilotes de la marine;
c) La valeur du mécanisme prévu dans
la Loi sur la marine marchande du Canada en
ce qui concerne l'administration, la régle-
mentation et le financement des services de
pilotage, en tenant compte de certains fac-
teurs comme l'accomplissement de ces services,
la détermination, la perception et l'affec-
tation des droits de pilotage, ainsi que
l'admission dans le service, les normes
techniques, la conduite, le revenu, le
bien-être et la pension des pilotes,
et a conféré à Nosdits Commissaires certains
droits, pouvoirs et privilèges comme on pourra
mieux en juger en se rapportant audit décret.

SACHEZ DONC MAINTENANT que sur l'avis
de Notre Conseil privé pour le Canada, Nous
nommons, constituons et désignons par les
présentes, l'honorable Yves Bémier, juge de
la Cour Supérieure du Québec, de la Ville de
Québec en la province de Québec; M. Robert
Knowlton Smith de Waterloo en la province
d'Ontario; et M. Harold Alexander Renwick,
de la ville de Vancouver en la province de
Colombie-Britannique, pour agir comme Nos
Commissaires dans la poursuite de ladite
enquête.



IL APPARTIENDRA auxdits honorable Yves Bernier, Robert Knowlton Smith et Harold Alexander Renwick de détenir et d'exercer lesdites fonctions et d'en jouir, durant Notre bon plaisir, avec les droits, pouvoirs, privilèges et émoluments attachés, de droit et en vertu de la loi, auxdites fonctions.

ET NOUS autorisons, par les présentes, Nosdits Commissaires à exercer tous les pouvoirs que leur confère l'article 11 de la Loi sur les enquêtes et à recevoir, dans toute la mesure possible, l'aide des ministères, services et organismes du gouvernement.

ET NOUS autorisons, par les présentes, Nosdits Commissaires à adopter les moyens et les méthodes qu'ils jugeront, au besoin, utiles pour la poursuite régulière de l'enquête, à siéger aux dates et aux endroits du Canada qu'ils pourront fixer à l'occasion.

ET NOUS autorisons, par les présentes, Nosdits Commissaires à retenir les services des avocats, du personnel et des conseillers techniques, dont ils pourront avoir besoin, à des taux de rémunération et de remboursement sujets à l'approbation du Conseil du Trésor.

ET NOUS demandons et ordonnons, par les présentes, à Nosdits Commissaires de faire rapport au Gouverneur en conseil avec une diligence raisonnable et de déposer au bureau



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de l'archiviste fédéral les documents, dossiers et registres de la Commission dès que ce sera raisonnablement possible après la conclusion de l'enquête.

ET DE PLUS Nous nommons l'honorable juge Bernier président de ladite Commission.

EN FOI DE QUOI, Nous avons fait émettre Nos présentes Lettres patentes et à icelles fait apposer le Grand Sceau du Canada.

TEMOIN:

Notre fidèle et bien-aimé major-général GEORGE-PHILIAS VANIER, Compagnon de Notre Ordre du Service distingué, à qui Nous avons décerné Notre Croix militaire et Notre Décoration des forces canadiennes, Gouverneur général et Commandant en chef du Canada.

A OTTAWA, ce trentième jour de novembre de l'an de grâce mil neuf cent soixante-deux, le onzième de Notre règne.

PAR ORDRE,

JEAN MIQUELON

Sous-secrétaire d'Etat. "

A ceci est attaché l'arrêté ministériel avec lequel les partis en cause sont déjà familiers.



Gentlemen, if I may, I will now read the English version of this Commission appointing The Honourable Yves Bernier et al to inquire into marine pilotage in Canada.

"Elizabeth the Second, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories Queen, Head of the
Commonwealth, Defender of the Faith.

To All To Whom these Presents
shall come or whom the same may in
anywise concern,

Greeting:

Whereas pursuant to the provisions of Part I of the Inquiries Act, Chapter 154 of the Revised Statutes of Canada, 1952, His Excellency the Governor in Council, by Order P.C. 1962-1575 of the first day of November, in the year of Our Lord one thousand nine hundred and sixty-two, a copy of which is hereto annexed, has authorized the appointment of Our Commissioners therein and hereinafter named to inquire into and report upon the problems relating to marine pilotage provided in Canada, more particularly under the Canada Shipping Act, and to recommend the changes, if any, that should be made in the pilotage system



1 now prevailing, having regard to
2 safety of navigation, development
3 of shipping and commerce, the
4 interests of pilots, ship owners,
5 masters and the public generally;
6 and in particular, without restricting
7 the generality of the foregoing, to
8 examine and report upon

9 (a) the extent and nature of marine
10 pilotage requirements, including
11 compulsory pilotage, compulsory
12 payment of pilotage dues and the
13 granting of exemptions;

14 (b) the duties, responsibilities
15 and status of marine pilots; and

16 (c) the adequacy of the organizational
17 structure provided in the Canada
18 Shipping Act for the administration,
19 regulations and financing of
20 pilotage, taking into consideration
21 such factors as the provision of
22 pilotage services, the determination,
23 collection and disposal of pilotage
24 dues, and the entry into service,
25 technical standards, conduct, income,
26 welfare and pension arrangements of
27 pilots;

28 and has conferred certain rights, powers
29 and privileges upon Our said Commissioners
30 as will by reference to the said Order



1 more fully appear.

2 Now Know Ye that, by and with the
3 advice of Our Privy Council for
4 Canada, We do by these Presents
5 nominate, constitute and appoint
6 the Honourable Yves Bernier, a Judge
7 of the Superior Court of Quebec, of
8 the City of Quebec, in the Province
9 of Quebec; Robert Knowlton Smith,
10 Esquire of Waterloo, in the Province
11 of Ontario; and Harold Alexander
12 Renwick, Esquire, of the City of
13 Vancouver, in the Province of British
14 Columbia, to be Our Commissioners to
15 conduct such inquiry.

16 To Have, hold, exercise and
17 enjoy the said office, place and
18 trust unto the said the Honourable
19 Yves Bernier, Robert Knowlton Smith
20 and Harold Alexander Renwick,
21 together with the powers,
22 privileges and emoluments unto the
23 said office, place and trust of right
24 and by law appertaining during Our
25 pleasure.

26 And We Do Hereby authorize Our
27 said Commissioners to exercise all
28 the powers conferred upon them by
29 section 11 of the Inquiries Act and
30 be assisted to the fullest extent by



1 government departments and agencies.

2 And We Do Hereby authorize Our
3 said Commissioners to adopt such
4 procedure and methods as they may
5 from time to time deem expedient for
6 the proper conduct of the inquiry and
7 sit at such times and at such places
8 in Canada as they may decide from time
9 to time.

10 And We Do Hereby authorize Our
11 said Commissioners to engage the
12 services of such counsel, staff and
13 technical advisers as they may
14 require at rates of remuneration
15 and reimbursement to be approved
16 by the Treasury Board.

17 And We Do Hereby require and
18 direct Our said Commissioners to
19 report their findings to Our Governor
20 in Council with all reasonable
21 despatch and file with the Dominion
22 Archivist the papers and records of
23 the Commission as soon as reasonably
24 may be after the conclusion of the
25 inquiry.

26 And We Further appoint the
27 Honorable Mr. Justice Bernier to
28 be Chairman of Our said Commissioners.

29 In Testimony Whereof We have
30 caused these Our Letters to be made



Patent and the Great Seal of
Canada to be hereunto affixed.
Witness: Our Trusty and Well-beloved
Major-General George Phillas Vanier,
Companion of Our Distinguished
Service Order upon whom We have
conferred Our Military Cross and
Our Canadian Forces' Decoration,
Governor General and Commander-in-
Chief of Canada.

At Ottawa, this thirtieth day
of November in the year of Our Lord
one thousand nine hundred and sixty-
two and in the eleventh year of Our
Reign.

I now file this Commission. The English
version will be Exhibit 1, and the French version will

EXHIBIT OTTAWA P.1: Commission appointing
The Honourable Yves
Bernier et al to
inquire into the problems
relating to marine
pilotage provided in
Canada, dated November
30, 1962.

EXHIBIT OTTAWA P-1(a): Commission nommant
l'honorable Yves Bernier
et autres commissaires
chargés d'enquêter sur
les problèmes relatifs
au pilotage maritime
au Canada, datée du 30
novembre 1962.



1 M. LE PRESIDENT: Messieurs, à l'annonce de
2 notre nomination, mes collègues et moi-même avons réalisé
3 la lourde responsabilité de cette enquête qui couvre des
4 secteurs très importants de l'économie et de la géogra-
5 phie de notre pays.

6 Nous devons, entre autres, procéder à une
7 étude approfondie, du point de vue géographique, des
8 secteurs énoncés dans les lettres patentes, avec visite
9 des lieux, non seulement où il y a tout simplement pi-
10 lotage, et ce de l'Atlantique, avec ses ports, ses
11 rivières et ses îles, en passant par le Saint-Laurent,
12 la Voie maritime, les Grand Lacs et même la baie d'Hudson,
13 jusqu'à la côte du Pacifique, avec ses ports et rivières,
incluant le fleuve Fraser.

14 Pour ce qui est du point de vue économique
15 du pays, notre enquête portera sur tous les aspects
16 importants, parfois, du pilotage sur l'industrie du
17 transport maritime.

18 Nous devons étudier la question de sécurité
19 non seulement des navires mais aussi de toute la popu-
20 lation qui réside à proximité des eaux navigables.

21 Le département des Transports même tombe
22 sous l'empire de notre enquête, et ce, évidemment,
23 en tant que les problèmes de pilotage seulement sont
24 concernés.

25 Messieurs, nous avons une tâche énorme et
26 les problèmes sont nombreux. Pour y réussir, nous
27 aurons besoin de la coopération pleine et entière
28 de tous.
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1
2 Le but de la réunion publique préliminaire
3 d'aujourd'hui est de vous informer de la procédure
4 que la Commission entend adopter et du programme qu'elle
5 se propose. Les mémoires, plaidoiries et témoignages
6 pourront être soit en français, soit en anglais, comme
7 bon vous semblera. Nous aurons des interprètes et,
8 si possible, la traduction simultanée aux séances qui
9 se tiendront à Ottawa et dans la province de Québec,
10 et aussi ailleurs, si nécessaire.

11 Quant à la procédure, nous sommes à préparer
12 des règles détaillées. Vous en recevrez copie sous
13 peu. Et voici essentiellement ce qui en est.

14 La Commission entend suivre, en tant que
15 faire se peut, la procédure des Cours de justice civiles.
16 Un préavis de cinq ou six semaines sera donné des séances
17 publiques de la Commission, pour accorder suffisamment
18 de temps pour préparer les mémoires. Les mémoires
19 écrits devront être envoyés au Secrétaire de la Commis-
20 sion pour qu'il les reçoive au plus tard deux semaines
21 avant la date de la première séance, à un endroit donné.

22 A l'instar des Cours de justice, la Commission
23 fera son rapport et ses recommandations en se basant
24 seulement sur les faits légalement prouvés devant elle.
25 Les mémoires devront donc énoncer, en premier lieu,
26 les faits que l'on a l'intention de prouver, s'il y en a,
27 et ensuite les opinions que l'on veut soutenir et les
28 recommandations que l'on veut faire.
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1 La preuve se fera de la façon usuelle,
2 par documents légalement établis et par témoins dont
3 les dépositions seront prises sous serment. Les
4 témoins ordinaires, de même que les experts, pourront
5 être conte-interrogés par toute personne intéressé.

6 Toute personne intéressée pourra également
7 consulter les mémoires qui ont été soumis en consultant
8 le dossier public de la Commission.

9 Après la preuve, ceux qui le désireront
10 pourront plaider oralement et même par écrit, avec
11 la permission du président.

12 Quant au programme des séances publiques,
13 la Commission a l'intention de tenir sa première
14 séance à Charlottetown, Ile du Prince-Edouard, le
15 lundi 11 novembre, pour siéger ensuite le 14 à Saint-Jean,
16 Nouveau-Brunswick, et visiter les lieux, si la température
17 le permet. Le mois suivant, nous irions sur la côte
18 Ouest et nous siégerions le 11 mars à Vancouver, le 18
19 à Prince-Rupert, le 25 à New Westminster, tout en
20 visitant les lieux, dont entre autres Victoria, Port
21 Alberni, Nanaimo, etc. En avril, nous pourrions
22 nous rendre à Terre-Neuve, pour ensuite entreprendre,
23 en mai, le Saint-Laurent et la Voie maritime, et
24 ainsi de suite.
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Gentlemen, when notified of appointment to the Royal Commission, my colleagues and I envisioned a heavy responsibility with far-reaching, human, economic and geographical ramifications affecting our Canadian economy. Our task, inter alia, will be an extensive study from a geographical point of view of the problems mentioned in the terms of reference, with an on site examination of pilotage areas and problems on the Atlantic seaboard, its adjacent waters, tributaries, harbours, bays, inlets and channels, where skilled navigation by pilots is not only useful but may be necessary; of the St. Lawrence river, with its tributary water, including the Saguenay river, the Seaway, the waters of the Great Lakes with connecting channels, etc.; Hudson Bay; and the Pacific coast, its islands and rivers, including the Fraser river.

From the economic point of view, we will have to investigate, in all its aspects and conditions, the important profession of pilotage. We will be concerned with the interests of the industry of maritime transport, and will have to consider the question of safety, not only for ships and vessels plying our waters, but also of the population living nearby. Even a department of the Federal Government, the Department of Transport, will come into the ambit of our investigation in so far as pilotage is concerned.

Gentlemen, the task is huge and the problems numerous. It will be only with everyone's entire and complete co-operation that the success of the investigation can be achieved. Our task today



1 is along the lines of working out the program, and will
2 deal largely with procedural matters. Submissions,
3 briefs and testimony may be given either in French or
4 in English. The services of interpreters, or, if it
5 is possible, simultaneous translation, will be provided
6 at all sittings held at Ottawa and in the Province of
7 Quebec, and arrangements will be made at sittings
8 elsewhere in Canada, if and when necessary.

9 As to procedure, rules are being drafted and
10 will be sent to all concerned shortly. Here is the
11 gist of those rules.

12 The procedure before a civil court of justice
13 will be followed as closely as possible.

14 The dates of the Commission sittings will be
15 advertised at least five or six weeks in advance so as
16 to leave ample time for the preparation of submissions.
17 Written submissions will be expected to reach the
18 Commission Secretary not later than two weeks prior to
19 the date of the first day of the scheduled sittings at
20 any place.

21 As in any court of justice, the Commission
22 will render its report and recommendation only upon
23 the facts legally proven before the Commission.
24 Therefore the submissions should first indicate the
25 facts it is intended to establish (if any), then the
26 opinions and the recommendations.

27 The evidence shall be brought in the usual
28 manner by documents legally established, and by oral
29 testimony taken under oath. Ordinary witnesses as well
30 as experts will be subject to cross-examination by all



1 interested parties.

2 The submissions will be available for
3 consultation and perusal as soon as they reach the
4 Secretary for filing. When the facts are established,
5 those wishing to do so can plead orally; that is to say,
6 they can give the Commission their opinion based on
7 those facts, and their recommendations. With the
8 Commission's permission, written pleadings can also be
9 sent afterwards.

10 As to program, the Commission intends to
11 commence its sittings at Charlottetown, Prince Edward
12 Island, on Monday, February 11, 1963. It will then
13 proceed to Saint John, New Brunswick, on February 14,
14 and, weather permitting, will visit the pilotage
15 districts concerned. Then the Commission will
16 proceed in March to the west coast, where it will sit
17 in Vancouver on March 11. Then it will sit at Prince
18 Rupert on March 18; at New Westminster on March 25;
19 and during the time available the Commission will
20 visit, inter alia, Victoria, Port Alberni, Nanaimo,
21 etc. Then some time in April the inquiry could be
22 resumed in Newfoundland. In May the Commission could
23 commence its hearings on the St. Lawrence river at
24 Montreal and Quebec, and so on.

25 Et maintenant, messieurs, nous aimerions
26 recevoir vos commentaires et suggestions quant à la
27 façon de procéder proposée et au programme. A cet
28 égard, sujet aux remarques additionnelles que pour-
29 raient faire mes collègues et le procureur de la
30 Commission, je suggérerais, afin de procéder d'une



ordonnée, que l'on entende d'abord les procureurs des associations de pilotage, ceux des armateurs, et enfin les autres. Le procureur de la Commission ajoutera un mot à la fin, s'il le désire.

Now we would like to hear any remarks, recommendations or suggestions you gentlemen may wish to make with regard to the proposed procedure and program. In that connection, and subject to any representation or remarks my colleagues and the Commission counsel may wish to make at this time, we would suggest that perhaps counsel for the various pilotage associations, in whatever order you may agree to, might present their views, and they might be followed by counsel for the various shipowners associations and other parties.

MR. JACQUES: If I may say a few words, my ~~self~~, the rules of practice have been prepared and I should like to give counsel and parties the gist of each of the rules which we submit should apply to the Royal Commission. The text will be printed and translated, and sent to all parties who leave their address with the Secretary, quite shortly. We wish to say that this will be after Christmas, since the present week is almost over and I believe the next working day will be the 27th.

The rules have been drafted as simply as possible in order to avoid confusion and unnecessary discussion. The first chapter concerns the hearings,



1 wherein we state that public hearings should be held
2 at times and places appointed by the Commission; that
3 notice thereof shall be published in the newspapers at
4 least six weeks in advance.

5 Those wishing to appear before the Commission
6 may do so either in person or by counsel. Private
7 or public bodies may be represented by their respective
8 officers. Those wishing to file briefs or appear
9 at any of the hearings of the Commission must send their
10 briefs to the Secretary, or send a written appearance
11 to the Secretary, at least fifteen days before the
12 first day of the hearing. Afterwards the roll will be
13 prepared by the Secretary and sent to all parties
14 concerned in order that they may know the sequence in
15 which they will be heard.

16 Chapter two concerns briefs. Briefs, of
17 course, should be brief. They should deal only with
18 the matters mentioned in the Order in Council. They
19 should be printed or typed, or legibly written in ink,
20 either in French or in English and on one side of the
21 paper only.

22 Factual information should be given first;
23 then the conclusions and recommendations. We would
24 ask the parties to number their paragraphs in order to
25 facilitate the work of the Commission; with the number
26 of briefs which may be submitted we may have a difficult
27 time in finding our way through them, and it would
28 also be easier for reference purposes.

29 Recommendations should be as specific as
30 possible, and if a party alleges that certain work



1 should have been done, or that a department or any
2 party has failed to do certain work, he should submit
3 plans of that work in order that the Commission may
4 be able to understand it quite easily.

5 Documents alleged in the brief should be
6 attached to the brief where possible. I realize that
7 certain documents are not freely available. I would
8 mention only the reports of previous Royal Commissions;
9 copies of these documents are hard to come by. I
10 myself, and also I believe the Secretary of the
11 Commission, am willing to co-operate fully with all
12 of the parties to facilitate that task.

13 Facts, and not only facts but also opinions
14 and recommendations, should, if at all possible, refer
15 to paragraphs (a), (b) and (c) of the Order in Council.
16 Briefs should contain a summary of the main conclusions
17 and recommendations. They should, of course, contain
18 the address of those submitting the briefs. If the
19 brief is submitted by any organization, the objectives
20 of the organization and its total membership should
21 also be stated in order to indicate the importance
22 of the organization. If the parties refer to
23 statutes and various laws, we would ask them to give the
24 precise reference.



1 The briefs pertaining to any hearing will be
2 taken as read before the hearing. This is done in order
3 to avoid a session which would be spent only in reading
4 briefs. The commission will peruse the briefs before
5 the session; I myself will do my perusal of the briefs,
6 as permitted by the commission, at the office of the
7 secretary.

8 Those wishing to obtain copies of those
9 briefs should address their requests to the party
10 filing the same and, if the parties do not see fit to
11 grant the request, then the commission will request the
12 party to let you have a copy of the brief.

13 The fact that the briefs will be taken as
14 read in our opinion does not preclude the necessity of
15 establishing the facts by appropriate evidence .
16 Witnesses will be heard in a manner similar to that
17 followed by the courts of justice in the province where
18 we are sitting. The rules of evidence, including the
19 Canada Evidence Act, and the rules of evidence in the
20 province where we are sitting shall apply to hearings
21 as far as practicable. Expert evidence will, of course,
22 be allowed and pleadings will be allowed verbally at
23 the end of the hearing or in writing with the permission
24 of the commission. Also, we have thought of holding a
25 final hearing, at which time any of the parties will be
26 allowed to appear again before the commission and plead
27 further. Some of the parties may wish to amend their
28 opinions or recommendations, and this is to give them
29 an opportunity to do so.
30

Parties wishing to secure the attendance of



1
2 witnesses should first ask those witnesses to appear.
3 Upon refusal, or if you are in any doubt whether the
4 witness will appear, you may request a writ of subpoena
5 from the commission. The commission will then subpoena
6 the witness and the penalties of the law will apply to
7 any failure to comply with this order.

8 I forgot to add that we have made arrangements
9 for a transcript of the evidence. We have also made
10 arrangements for daily copies of the evidence given at
11 the hearings. You may purchase copies of this transcript
12 by making arrangements with the secretary. The secretary
13 knows the parties involved and will look after them.

14 My lord, at this time I should like to hear
15 the comments of counsel and parties on the proposed
16 rules.

17 THE CHAIRMAN: Before proceeding with that, I
18 should like to ask whether any of the commissioners
19 would like to add anything.

20 COMMISSIONER SMITH: I do not think of
21 anything in particular, but I think it is quite
22 obvious that the magnitude of this investigation and
23 the importance are most far-reaching. I say that
24 because in the past there have been a good many royal
25 commissions investigating pilotage in Canada going back
26 to 1913. I do not know whether there were any before
27 that or not, but at least there was one in that year.
28 All of those royal commissions made their reports and
29 recommendations to the government but with all those
30 commissions -- there must have been a half dozen or
more -- there was no suitable formula recommended or



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2 approved that was able to solve a good many of the
3 problems that existed over the years in the pilotage in
4 this country. Therefore I think it will be realized at
5 once that we have a mountainous job on our hands to
6 sift every bit of information and evidence that we can
7 secure in order to base recommendations in our report to
8 the government that will be satisfactory to all parties
concerned. Thank you, my lord.

9 THE CHAIRMAN: Mr. Renwick --

10 COMMISSIONER RENWICK: I have nothing to add,
11 sir.

12 THE CHAIRMAN: May we hear from counsel for
13 the interested parties and associations.

14 MR. LANGLOIS: My lord and Chairman, Mr.
15 Commissioners, I represent the Canadian Merchants'
16 Service Guild Incorporated, which is an association of
17 pilots, masters and mates of both coasts of Canada.
18 Consequently my mandate will require that I follow your
19 commission at all of its sittings throughout the
country.

20 I wish at the very beginning of my remarks to
21 convey to the commission our appreciation for this
22 opportunity which is given us this morning to be firstly
23 informed of the procedures which the commission intends
24 to follow; and secondly, of the proposed agenda and be
25 also given the opportunity to comment on the same and
make suggestions.

26 As pointed out by you, my lord, and by Mr.
27 Commissioner Smith, the importance of this commission
28 is of the highest degree; its scope is almost unlimited
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2 as it covers not only the administration, the operation
3 of pilotage, but also the whole trade and industry of
4 maritime transportation in Canada as far as its safety
5 is concerned.

6 Secondly, I wish to submit to the commission
7 that it is to my mind of the utmost importance that all
8 those concerned with the work of this commission have
9 at their disposal in ample time for consideration and
10 study basic information of a statistical nature having
11 to do with the administration, operation, of pilotage in
12 Canada for a number of years.

13 I know that there have been royal commissions,
14 boards of inquiry, which have investigated the pilotage
15 system or some aspects of that system only, but I think
16 this is the first time, my lord, that we have a
17 commission which is charged with a task of the scope
18 that this present commission has to cover during its
19 hearings and inquiry into pilotage matters in Canada
20 today. For that reason, my lord, I respectfully
21 suggest that all statistical information and copies of
22 official documents of an administrative nature having to
23 do with the work of this commission should be put at the
24 disposal of all concerned with this commission through
25 the good offices of the commission itself.

26 I have myself drafted a preliminary list of
27 such statistical information and documents, and I find,
28 my lord, that this information will have to be obtained
29 not only from the Department of Transport but also from
30 the Department of National Revenue, customs and excise
division, from the Dominion Bureau of Statistics and



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2 from the Department of External Affairs. Therefore I
3 respectfully submit that we, as solicitors for pilotage
4 groups or for the ship-owners, do not have the necessary
5 authority nor the necessary services to be able to
6 obtain this most important information. There is also
7 the important factor that if we are required to go on
8 our own to get this information from the various
9 departments, we will be getting this information or
compiling it on a somewhat different basis.

10 THE CHAIRMAN: I think it is not necessary to
11 go any further on this point because we appreciate
12 your point. If we find that there are any such
13 documents that will be helpful to you and to all the
14 parties, they will be made available so that we will
avoid unnecessary evidence later on.

15 MR. JACQUES: If any of the parties wish to
16 obtain documents and information from any of the
17 departments of government, they should submit a list of
18 their documents and the commission, myself and the
19 secretary will do our utmost to obtain those documents
20 as rapidly as possible; but I should like to make it
21 clear that the commission will not directly or
indirectly prepare the evidence for the parties.

22 THE CHAIRMAN: No.

23 MR. JACQUES: We will have to do with the
24 production of documents and statistics. Should the
25 commission find, or should I find, if the request is
26 made to me, that any document or information requested
27 is outside the scope of the commission then I submit
28 that the matter may be referred to the commission to
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2 pass judgment on it. If the commission comes to the
3 conclusion that the document is irrelevant, outside the
4 scope, then the party will have the opportunity to apply
5 himself to the department concerned to obtain a copy of
6 the same.

7 THE CHAIRMAN: I think your remarks accord
8 with the views of the commission. Also, when these
9 documents are here, any other party who would like to
10 peruse them may look at them. He may get in touch with
11 the secretary. We will have a list. They are going to
12 be listed in some way and the list will be available to
13 other parties also.

14 MR. JACQUES: Yes. I submit these documents
15 will become public. The documents themselves will be
16 the property of the commission but anyone can peruse
17 them and should have access to them no matter by whom
18 they are requested.

19 MR. LANGLOIS: My lord, I appreciate very
20 much the decision in regard to those official statistics
21 and information or documentation, and I have noted the
22 reservation made by the solicitor for the commission
23 that we should also make a request to you and the
24 commissioners if we want additional information filed by
25 the commission.

26 The other point that I wish to make -- and I
27 shall endeavour to be as brief as I can -- is that some
28 of this information and these statistics to my mind will
29 have to be produced before we are called upon to make
30 presentations, to submit briefs or even evidence for that
matter before the commission. This brings me, my lord,



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2 to the suggested agenda.

3 As far as the group that I represent is
4 concerned, we have national conventions convened -- this
5 was done some months ago -- for the beginning of the
6 month of February and I respectfully suggest that the
7 date of February 11 to 14 may be just a little bit too
8 soon. Of course these dates in February, even if they
9 have to be pushed back a little, would be suitable to
10 us provided we have then all the official information
11 obtained through the commission at our disposal.

12 I now come to my second point on the procedure
13 which has to do with the delays for filing the various
14 briefs. If I understood the procedure outlined this
15 morning correctly, this delay will be six weeks and the
16 briefs will have to be filed before the commission at
17 least two weeks before the sittings take place. Unless
18 I am awfully wrong, my lord, I conclude that this gives
19 us only four weeks to prepare a brief for the first
20 sittings in Charlottetown and Saint John.

21 THE CHAIRMAN: You know already that we intend
22 to sit in British Columbia in March; therefore, you have
23 two months there, and then we intend to go to
24 Newfoundland in April and then to Quebec and Montreal in
25 May. You have four months there.

26 MR. LANGLOIS: Yes, my lord.

27 THE CHAIRMAN: That is a minimum.

28 MR. LANGLOIS: I am speaking for myself only,
29 but I imagine I will be following the sittings of the
30 commission down in Charlottetown, in Halifax and in
Newfoundland. It will be pretty hard for me to be in



1
2 Vancouver to discuss the presentation of the brief of
3 my clients out there, and I may be in this position that
4 I will be getting to Vancouver a few days ahead of the
5 proposed sittings. This is my problem, of course, but I
6 have deemed it important in the case of my client to
7 put it before you for consideration.

8 Now, my lord, also there is the possibility
9 that this tentative agenda will be thrown out of
10 schedule by the number of witnesses who will wish to
11 appear before the commission. This morning I was
12 glancing at the report of the royal commission of 1918
13 on the pilotage districts, pilotage matters of the
14 districts of the Atlantic coast. I find that there were
15 96 witnesses that appeared before the commission. That
16 was only for the east coast of Canada, Sydney, Yarmouth,
17 Halifax and Saint John, New Brunswick. That was in 1918.
18 Today we might expect to get a great many more than that.
19 Frankly, my lord, I had myself hoped that the sittings
20 of the commission would not be called before at least
21 the end of March.
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1 Anyway, I submit those remarks for the consideration of
2 the Commission, and I know your Lordship and your
3 colleagues will give them due consideration.

4 This concludes my remarks, My Lord, and
5 again I wish to convey to yourself and to the Commission
6 our appreciation for affording us this opportunity this
7 morning to make our comments and suggestions.

8 THE CHAIRMAN: We thank you very much, Mr.
9 Langlois. May we now hear from another counsel?
10 Mr. Lalonde.

11 COMMISSIONER SMITH: May I suggest that when
12 you gentlemen get up to address the Commission you give
13 your name and the principals you are representing.

14 MR. LALONDE: That is exactly what I was
15 going to do, my Lord.

16 COMMISSIONER SMITH: Thank you.

17 MR. LALONDE: My name is Marc Lalonde, spelt
18 L-a-l-o-n-d-e. I represent the Corporation of Lower
19 St. Lawrence Pilots, the Corporation of Mid St. Lawrence
20 Pilots, the Corporation of Montreal Harbour Pilots,
21 and the Corporation of Upper St. Lawrence Pilots, all
22 of which are grouped into the Federation of the St.
23 Lawrence River Pilots, which I also represent. In
24 addition I am acting on behalf of the Corporation of the
25 Professional Great Lakes Pilots, which represents in
26 groups the majority of the Canadian pilots in what is
27 called District No. 2 of the Great Lakes; that is the
28 pilots in the Port Weller/Sarnia area.

29 First of all, my Lord and Messrs.
30 Commissioners, I should like on behalf of my clients to



1 express our full confidence in this Commission and
2 to express our firm intention to give to you, my Lord,
3 and to you gentlemen, our fullest co-operation in all
4 aspects. We have full confidence in the impartiality
5 of this Commission and in the experience and quality
6 of its members and staff.

7 When the creation of this Commission was
8 announced last spring, my clients stated that they
9 welcomed the institution of this Commission. They
10 have still maintained the same point of view, and
11 they know that this Commission, which, as Mr. Langlois
12 has said, is probably the first which is going to
13 investigate all aspects of pilotage across Canada, is
14 called upon to perform a very important function, and
15 we are sure a very fruitful one for many years to
16 come.

17 You will understand, my Lord, that this
18 Commission has very, very important implications for
19 my clients. The recommendations which your Lordship
20 and you, Messrs. Commissioners, may make may very well
21 have effects upon the working conditions and general
22 professional life of all Canadian pilots for many years
23 to come. I think that taking this into consideration,
24 and bearing in mind the importance of the profession
25 of pilot, of which I am sure you are aware, it
26 stresses the importance of the work of this Commission.

27 Je voudrais remercier Votre Seigneurie en
28 particulier de l'importance qu'elle a attachée au fait
29 que les témoignages, dépositions et mémoires pourront
30 être soumis à la Commission tant dans la langue française



1 que dans la langue anglaise. Environ les deux-tiers des
2 pilotes au Canada sont d'expression française, et le
3 pilotage sur le fleuve Saint-Laurent a une tradition qui
4 remonte aux premiers jours de la colonie et il a une très
5 longue tradition parmi les Canadiens de langue française,
6 en particulier.. Je suis persuadé que l'importance que
7 Votre Seigneurie a bien voulu attacher à cette question
8 facilitera considérablement la présentation du point de
9 vue de mes clients auprès de la Commission.

10 I should like to express to this Commission
11 the thanks of my clients for the attention it has given
12 to the opportunity for the presentation of witnesses,
13 briefs, and general depositions in the French language
14 before this Commission. About two-thirds of the
15 pilots in Canada are French-speaking. French is their
16 mother tongue, and you may be assured that the
17 arrangements made by this Commission will help my
18 clients considerably in presenting their case and in
19 following the proceedings of this Commission. Pilotage,
20 as you know, has had a long tradition on the St.
21 Lawrence river, and French-speaking Canadians have been
22 active in pilotage since several centuries. The
23 attention given by this Commission to this matter is
24 very much appreciated.

25 My Lord, I should like to go to another
26 point, which is a point already raised by Mr. Langlois.
27 That is the problem of the delay in the presentation
28 of briefs before this Commission. I am fortunate
29 enough in that my clients seem to come later in the
30 list which you have mentioned, and I certainly thank
the Commission very much for this attention. But still,



1 I would say that ---

2 THE CHAIRMAN: Three months is not enough?

3 MR. LALONDE: I think your Lordship guessed
4 right. Your Lordship yourself said that the task was
5 huge and that the problems were numerous; and I may
6 say that having been active for a couple of years in
7 representing these clients, I cannot but support your
8 Lordship's point of view. I may be slow, but it
9 certainly took me a couple of months -- no, I would
10 say more than a couple; it took me several months --
11 before I could see my way through the various legal,
12 administrative, technical, I would say historical
13 problems involved in pilotage operations, at least
14 on the St. Lawrence river. I admit that we have
15 already started some of the work for some months, but
16 as we go along the problems appear as very complex
17 ones having several implications both in the legal
18 as well as in the technical field.

19 I respectfully submit to your Lordship,
20 and to you, Messrs. Commissioners, that some extension
21 of the delays which you have foreseen be considered by
22 your Commission. As I have said, this Commission has
23 implications for the life of our times and for many
24 years to come. I think that in view not only of the
25 economic importance of this Commission, but also of
26 the general welfare of the individual concerned for
27 years to come, consideration should be given to an
28 extension of the delays foreseen by your Lordship and
29 your colleagues.

30 I would also submit, my Lord, that if this



1 Commission is to maintain its decision to hold sittings
2 at the beginning of February, those sittings might
3 coincide with, I am afraid, the sittings of another
4 Commission established under Section 56 of the Industrial
5 Relations and Disputes Act. I am sure that counsel
6 represented here, as well as your Lordship and
7 Messrs. Commissioners, and also the gentlemen of the
8 press, understand what I mean.

9 THE CHAIRMAN: Well, we plan to be in New
10 Brunswick in February.

11 MR. LALONDE: Yes, my Lord. But as you know,
12 mass media is of a national nature nowadays, and while
13 we recognize that the two Commissions will not be
14 confused by people well aware of what the events are,
15 I would submit that there is very great danger that
16 in the public's mind the work of the two Commissions
17 might become confused. I submit that it would
18 not be in the public interest or in the interest of
19 my clients that these two Commissions sit at the same
20 time. I must say, my Lord, that I am not putting this
21 forward from a strictly personal point of view.

22 THE CHAIRMAN: We might sit in camera in
23 New Brunswick.

24 MR. LALONDE: My Lord, those are the points
25 which I wanted to bring to the attention of the
26 Commission.

27 If I may be permitted just a minute or two
28 to raise one or two other points of a more technical
29 nature, I understand that the request is going to be
30 made for statistics from various departments. Of course,



1 I understand that these statistics will be taken for
2 what they are in the sense that they will have a certain
3 official character as coming from departments; but that
4 does not necessarily make them true, and there might
5 be the opportunity of getting information on them
6 under cross-examination.

7 I also understand that briefs should be
8 brief. In view of the terms of reference given to
9 your Commission, I submit that briefs should be briefs,
10 because I understand that your Commission would like
11 the fullest information necessary for the full
12 presentation of our arguments. I had not heard that
13 we were required to produce a certain number of copies
14 to the Commission; I understand the rules will provide
15 for that.

16 MR. JACQUES: I am sorry about that. The
17 briefs shall be produced in fifteen copies; and the
18 exhibits or documents attached to the briefs shall be
19 produced in two copies, one for the Commission's own
20 use and the other for general use by all parties
21 interested.

22 Whilst I have the floor I hasten to add, after
23 reading the list of documents and statistics required
24 by Maitre Langlois -- and I put this up to the
25 Commission at this moment -- that I do not think it
26 would be fair to the various departments involved to
27 work out comparisons between statistics. I think we
28 should go only as far as to give the parties requesting
29 the information copies of government registers or
30 books concerning the statistics, leaving to them the



1 arrangements and the comparisons and conclusions to
2 be drawn from them.

3 MR. LANGLOIS: My Lord, I am afraid that
4 my confrere has really misconstrued the list which I
5 have given. I do not see any request for comparisons.
6 I am asking for comparable statistics.

7 THE CHAIRMAN: In any event the Commission
8 will look after Mr. Langlois and will take his
9 objection under advisement. If we come to the
10 conclusion that some document cannot be made available,
11 you will be informed in due course.

12 MR. LALONDE: My Lord, I need only take
13 another thirty seconds.

14 THE CHAIRMAN: That is all right. Take all
15 the time you want.

16 MR. LALONDE: Thank you, my Lord. I
17 understood from a reading of the rules that there would
18 be the opportunity, at the conclusion, to present
19 a general argument on the proceedings and the briefs
20 presented to this Commission. I should also like, if
21 possible, to see it be altogether the procedure of
22 this Commission that there would be the opportunity
23 of presenting additional briefs on the same subject
24 at a later date, if I may suggest that. What I
25 mean is that a party may very well present a brief
26 and then some further briefs or evidence might be
27 adduced which would either contradict the brief
28 originally submitted or raise new points. I do
29 hope that the various parties before this Commission
30 will be in a position to apply for further hearings.



1 THE CHAIRMAN: As far as that is concerned --
2 and I think I am expressing now the feeling of the
3 other Commissioners when I say this -- every
4 opportunity will be given to everyone to bring out all
5 the facts which they think may be necessary, as well,
6 of course, as the recommendations and arguments to
7 be presented, so far as they are in order and that any
8 request not provided for by the rules is authorized.
9 We should like, of course, to help everybody who will
10 be appearing before us, but as far as possible we
11 would like to proceed according to the rules, so that
12 there is more than enough opportunity given to
13 everyone.

14 MR. LALONDE: Thank you, my Lord. In
15 conclusion, I wish to express my full co-operation with
16 this Commission on behalf of my clients, and to stress
17 to your Lordship and to you, Messrs. Commissioners,
18 that speed is important in this matter for sure, but
19 safety is still more important. Thank you.

20 COMMISSIONER SMITH: I should like to ask
21 Mr. Lalonde a question, if I may, just by way of
22 clarification.

23 Mr. Lalonde, you mentioned a lot of segments
24 making up the unit of the St. Lawrence Pilots
25 Federation, or the Federation of St. Lawrence Pilots.
26 What I should like to find out, just in order to
27 clarify the matter in my mind, is what the main
28 purposes and objects of the Federation are, apart from
29 the question of unity and strength. I suppose there
30 are other elements, maybe pensions and other matters,



1 involved, and I should like some information about
2 that just for clarification purposes.

3 MR. LALONDE: Commissioner Smith, if I were
4 to put it in a facetious way I would say that one of
5 the great advantages of it is to pool all legal fees!

6 COMMISSIONER SMITH: That is important,
7 I know.

8 MR. LALONDE: The various corporations are
9 set up in such a way as to look after the interests of
10 each individual District, to pool the earnings and
11 look after the operations of the various Pilotage
12 Districts as such.

13 The Federation was set up in order to allow
14 the various Corporations, instead of taking a common
15 stand in five different ways at five different times,
16 to take a common stand on a single occasion, and, if I
17 may say so, to speak for all of the St. Lawrence
18 river pilots. It also acts as a kind of mediator in
19 problems which might arise between different pilots
20 acting in different Districts. As you know, certain
21 Districts overlap one with another, and there are
22 always a certain number of problems arising. The
23 Federation acts as a kind of meeting ground for the
24 various groups, and mediates between those various
25 groups. I still maintain that it is good also to
26 pool the fees. I hope that has answered your
27 question, Commissioner Smith.

28 COMMISSIONER SMITH: Yes, it has up to a
29 point. What you have said is, of course, elementary.
30 I was wondering whether there were any other factors



involved in this matter having to do with labour.

MR. LALONDE: No, it has nothing to do with labour as such.

COMMISSIONER SMITH: Or union representation?

MR. LALONDE: No. The Federation is not affiliated to any labour union or any labour organization. It is a completely autonomous body set up under Part II of the Canada Companies Act, and as such it has no connection or affiliation with any other body.

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2 If my answer is not quite sufficient, I will endeavour
3 to make it quite clear in the brief we will present I
4 hope some time in September.

5 MR. COUTURE: Mr. Chairman and members of the
6 commission, my name is Luc Andre Couture. I represent
7 the St. Lawrence Seaway Authority, of which I am
8 general counsel. The authority is a federal crown
9 corporation. It does not perhaps have a direct strictly
10 legal or technical interest at the present time in the
11 pilotage problems. However, the authority does have a
12 most direct geographical, financial and operational
13 interest in all pilotage matters. As such, the
14 authority will be represented when the commission
15 reaches home, but the submission of a brief or otherwise
16 would, I would submit, be determined by the evidence
17 adduced before the commission and the opinions that
18 could be expressed here that could have a bearing on the
19 authority's position or operations.

20 If such should be your wish, my lord, and at
21 the secretary's request, I would file, however, the
22 authority's enabling legislation and regulations and
23 the international agreements and all such plans and
24 charts as may be helpful to the commission.

25 THE SECRETARY: It is so requested now, Mr.
26 Chairman.

27 MR. COUTURE: I have no further comments to
28 make, my lord.

29 J'aimerais toutefois assurer Votre Seigneurie
30 de la collaboration entière de l'Administration de la
Voie maritime du Saint-Laurent, et lui souhaiter la
bienvenue.



1 J'aimerais également avoir le plaisir de lui
2 faire visiter la Voie maritime, soit sur la rive sud,
3 à Beauharnois, à Cornwall, à Iroquois, à Welland, ou
4 encore, si la Commission m'en accorde la permission,
5 sur le côté américain, puisque la Voie maritime est une
6 entreprise internationale qui fonctionne comme une
7 seule Voie dans les deux pays.

8 Je vous remercie.

9 M. LE PRESIDENT: Nous vous remercions de
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11 votre coopération.

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13 Is there anybody else or any other counsel who
14 would like to say anything?

15 MR. BRISSET: Mr. President and gentlemen,
16 my name is Jean Brisset and I represent here the
17 Shipping Federation of Canada.

18 The Shipping Federation of Canada represents,
19 if I may use the words, ocean shipping industry and
20 ocean shippers are, of course, the main users of the
21 pilotage services in this country. The federation in
22 its future representation to this commission will address
23 itself particularly to the problems existing in the
24 eastern section of Canada, particularly in the St.
Lawrence river and the Great Lakes system.

25 I wish my lord and this commission to note
26 that we have full confidence in this commission and
27 will give it our utmost co-operation. In pursuing its
28 investigation into the problems that have developed in
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2 matters of pilotage, the commission will find that it
3 is mainly during the last five years that the problems
4 started to crop up and they have now culminated in a
5 situation which has brought the government to the point
6 of setting up the commission. The commission -- and I
7 think this has already been said -- is undoubtedly faced
8 with a huge undertaking and, as Mr. Smith has so rightly
9 pointed out, many commissions have sat before and have
10 found no solution to many of the problems that were then
11 presented before them, so that undoubtedly to find a
12 solution to the problem will require a great deal of
13 work on the part not only of the commission but of all
14 those who will appear before it.

15 To go back to the last five years when, as I
16 said, the problems have developed, it will become
17 apparent to the commission that there has been a
18 cleavage between pilotage interests and the ship-owners'
19 interests and the gap between them has become wider and
20 wider. This is most unfortunate and it is hoped that
21 as a result of the work done here before the commission
22 this gap will eventually be closed.

23 Again, keeping in mind the history of the last
24 five years, in a letter which the federation addressed
25 to the commission on December 10, the federation
26 suggested that within the scope of an area of the terms
27 of reference of this commission an investigation be made
28 of the administrative set-up of the various districts,
29 always going back five years.

30 As I understand it, the commission is a
fact-finding body. From that I apprehend that the



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2 commission, of course, will do its own investigation
3 work and will not only rely upon counsel appearing on
4 behalf of the various associations and so forth to
5 carry out the investigation. On the contrary -- and I
6 am speaking now for the shipping federation particularly
7 -- the federation will be interested in obtaining from
8 the commission, whenever releases can be made, not only
9 statistical information but also whatever information
10 can be of use in the opinion of the commission to the
11 ship-owning interests to prepare their eventual
12 recommendations. At the moment, the ship-owning
13 interests approach the problem with an open mind. I
14 will say at this stage that no formula is being devised
15 at the moment. It is only after considerable information
16 has been made available to the federation that
17 recommendations in final form will be submitted.

18 If I might add a word here on the rules of
19 procedure that were outlined to us this morning, there
20 are two points that I would like to pick up. It was
21 indicated that this commission would follow, I understood
22 rather strictly, the rules of evidence as before the
23 civil courts. From previous experience I have found
24 that in cases of hearings before a commission, it is
25 at times difficult to adhere strictly to the rules of
26 evidence that would be followed in a court of justice
27 and I hope if an occasion presents itself the
28 commission will perhaps relax the strict rules of
29 evidence to permit perhaps what may not be accepted as
30 evidence in a court of law.

The other point which I want to dwell on at



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2 this stage is one already made by my learned friend
3 Mr. Lalonde. It may well be that at one of the latter
4 stages of the proceedings the federation would want to
5 submit a brief with perhaps preliminary recommendations
6 which may be changed after more is known and more
7 information becomes available. Therefore, I would like
8 to make the statement that the federation would like to
9 be permitted to change its mind if conditions warrant
10 the changing of recommendations.

11 Je tiens à remercier le président et les
12 commissaires de l'opportunité qui nous est donnée,
13 ce matin, de faire connaissance, et de réitérer que
14 la Commission peut être assurée de toute notre
15 coopération.

16 M. LE PRESIDENT: Je vous remercie,
17 monsieur Brisset.

18
19 Is there anybody else who would like to
20 speak?

21 MR. MAHONEY: My name is Mahoney; I
22 represent the Dominion Marine Association, of which
23 association I am general counsel. The Dominion Marine
24 Association, my lord, is an association of ship-owners
25 operating Canadian registered ships, primarily on the
26 Great Lakes, the river and gulf of St. Lawrence,
27 although we are also interested in ocean-going vessels
28 as well, but primarily our interest I say is on the
29 eastern part of Canada and in the Great Lakes.
30



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2 I wish to support generally the comments made
3 by my friend Mr. Brisset, whose interest is similar to
4 ours; but we, on the other hand, contrary to what he
5 said and operating what might be termed domestic
6 vessels, are nevertheless very much concerned with
7 pilotage, even as are the ocean-going ships, because of
8 the principle of compulsory payment of pilotage dues,
9 and even aside from that principle we would be most
10 interested in this subject. Therefore I wish to assure
11 you, my lord, and the commission of our deep interest
12 in this subject and our desire to co-operate fully with
13 the commission. I should like to clarify one point
14 which has concerned me perhaps in the consideration
15 which has been given to procedure. We would propose to
16 deal with the matter by the filing of individual briefs
17 relating to particular geographical areas, and in my
18 mind this fits in with the commission's program and
19 procedure. At some stage, however, we will wish to
20 submit a brief covering general principles, and it
21 would appear to me at least that the appropriate time
22 to do that would be at a hearing dealing with the
23 particular geographical area such as perhaps the
24 Quebec pilotage district or the Montreal pilotage
25 district, and I should like to inquire whether there
26 will be any restriction in the briefs as presented to
27 the particular geographical area which is being dealt
28 with at that sitting, or may briefs on the general
29 principles be submitted at any time during the
30 commission's hearing?

THE CHAIRMAN: Well, of course if you have



1
2 principles that are applicable in a district but they
3 fit into the general pattern they can, of course,
4 always be included in your brief. We intend eventually
5 to have a general hearing in Ottawa with regard to all
6 the questions. All these questions are going to come
7 up in the various districts anyway. It is very
8 difficult to divide them in advance.

9 MR. MAHONEY: In any event, anything which
10 was not covered in a general sense at a particular
11 hearing may be covered in the general submissions
12 which will be made finally.

13 THE CHAIRMAN: Yes, and we shall make rulings
14 on special cases whenever necessary.

15 MR. MAHONEY: I simply wanted to clarify
16 this point in order that no objection would be raised
17 on the discussion of a point which did not apply to a
18 geographical area at any time.

19 THE CHAIRMAN: As far as that is concerned,
20 as I told Mr. Lalonde, every opportunity will be given
21 to everybody to speak up and say whatever he has to say
22 on behalf of his client.

23 MR. MAHONEY: Thank you. In closing, I
24 wish to say the association which I represent has been
25 involved in pilotage for many years, and over the past
26 few years we have been increasingly aware of the need
27 for a royal commission such as the one which has now
28 been appointed. I should like to express the
29 gratification of our association for the appointment of
30 this commission and again assure Your Lordship and
members of the commission of our complete intention to



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co-operate with the commission.

THE CHAIRMAN: Is there anybody else who
would like to say something?



1 MR. FISHER: I am J.W. Fisher, Manager of
2 the Canadian Shipowners Association. The Canadian
3 Shipowners Association is a national organization
4 representing owners of ships, both registered in
5 Canada and within the Commonwealth, trading in and out
6 of Canadian ports. It so happens that in addition to
7 our members having a national organization, we are
8 also closely affiliated with various regional
9 organizations which are represented at this meeting
10 here today.

11 We have not formulated any policy with
12 respect to this Commission as yet. We have the problem
13 of trying to bridge the regional views of the various
14 groups, and in due course it may be possible that
15 we will have a brief prepared and submitted to you
16 which might try to nail some of the general principles
17 which are adoptable from a national point of view.
18 However, we were active in urging the appointment of
19 the Commission on behalf of our members, and we
20 certainly welcome its presence today.

21 On behalf of our members, Sir, I also wish
22 to offer you our complete co-operation. We will
23 take a very keen interest in your proceedings. The
24 extent of our actual participation, of course, will
25 have to be decided upon as the proceedings develop.
26 Thank you, sir.

27 THE CHAIRMAN: Thank you very much, Mr.
28 Fisher.



1
2 M. POISSON: Monsieur le président, mes-
3 sieurs les commissaires, mon nom est Yves Poisson. Je
4 représente le Bureau de l'Industrie et du Commerce de
5 Québec Métropolitain Inc.

6 Nous n'avons aucun intérêt direct, évidem-
7 ment, dans les questions que la Commission étudiera
8 au cours de ses travaux. Notre organisme en est un
9 d'intérêt général et qui représente, en somme, le
10 grand Québec, la région métropolitaine de Québec. Il
11 a comme fonctions principales, premièrement, la promotion
12 industrielle et, deuxièmement, la promotion maritime,
13 et c'est précisément à cause de ce deuxième but que
14 notre organisme juge très important que je suis ici.

15 Nous ne sommes liés directement à aucun des
16 groupes qui sont représentés ici, mais nous tenons, dans
17 la mesure du possible, à suivre les travaux de la Com-
18 mission, afin de nous rendre compte de la nature des
19 recommandations qui pourront lui être faites et inter-
20 venir, s'il y a lieu, afin de protéger, dans la mesure
21 où nous serons à même de juger et selon les circonstances,
22 les intérêts bien compris du port de Québec.

23 Nous désirons coopérer avec tous les groupes
24 intéressés et, en particulier, avec la Commission.

25 M. LE PRESIDENT: Je vous remercie, monsieur
26 Poisson. Vous représentez le Québec, et le public en
27 général. Au fait, le public doit être très bien
28 représenté, car il est toujours très intéressé dans
29 ce qui se passe dans les ports du Canada.
30



1 MR. BOWEN: My Lord, my name is Bowen,
2 B-o-w-e-n. I represent the National Harbours Board,
3 which is a Federal agency charged with administering --
4 I say this with all respect to my colleagues -- the
5 major ports of Canada. We have not as yet determined
6 whether our Board will be submitting a brief. We
7 are vitally interested in the proceedings, and at
8 this time all we can do is to offer the full support
9 to this Commission of our Board in whatever manner
10 they may see fit.

11 THE CHAIRMAN: Thank you very much. I am
12 sure our Counsel will work with you.

13 MR. COLVIN: My name is Colvin and I
14 represent the Toronto Harbour Commissioners, the
15 International Association of Great Lakes Ports, and
16 the Canadian Ports and Harbours Association. There
17 is nothing this morning which has come up which I
18 feel we need query; our questions have mostly been
19 answered. However, like my friend Mr. Bowen we should
20 like to express our very deep interest, particularly
21 on the Great Lakes, and offer to give this Commission
22 the full co-operation of all the ports in our
23 Association during your deliberations. The Toronto
24 Harbour Commissioners and the International Association
25 of Great Lakes Ports will be submitting briefs at
26 a future date.

27 THE CHAIRMAN: Thank you, Mr. Colvin.
28 Would anyone else like to address the Commission?

29 MR. JACQUES: My Lord, in order that there
30 will be no doubt in anyone's mind, I wish to say



1 emphatically that the rules of practice which have been
2 prepared have been prepared in order that the proceedings
3 follow a set pattern and proceed logically. They
4 have not been drawn with any intention of preventing
5 any evidence or any opinion or any recommendation from
6 reaching the Commission. There is a closing paragraph
7 in the rules stating that they shall be so interpreted.
8 I think that answers the question raised by Counsel.

9 THE CHAIRMAN: Very well. I have a letter
10 from a Captain Johnson, who had hoped to be here this
11 morning. In any event, we have his letter, in case he
12 wished to speak.

13 Is there anything else, gentlemen?
14 (Reporter's note: There was no response).

15 THE CHAIRMAN: Then we will recess for a
16 few minutes in order to take into consideration the
17 various points brought up. We will come back in about
18 ten minutes to give our rulings, if any.

19
20 ---A short recess.
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-- The commission resumed at 12.05.

THE CHAIRMAN: There was a question about overlapping problems. We might say that Halifax problems will be dealt with in Halifax, for instance. When we have overlapping problems, well, of course, if they interest Halifax they can be dealt with apparently in Halifax and apparently elsewhere. But if you have special problems arising out of that, you may ask for a special ruling and it will be dealt with at the time. I think that is all I can say on that now.

Mr. Langlois mentioned the fact it is possible that at some places the evidence will take longer than the time available. If such should happen, we can always adjourn. We do not want to throw out the agenda if at all possible or disturb the schedule. We will be sitting where it has been decided and we will come back later after an adjournment. For instance, in Halifax we have set a week. If it takes more than a week, then we will have to come back to Halifax again.

The only other problem left was the question of the sitting at Charlottetown and Saint John some time in February. Gentlemen, we know that some of you may find it quite short to a certain extent but you may say also that we did not choose Montreal for the first sitting in February because we had in mind the problems you have in Montreal, in Quebec and on the St. Lawrence and we start at a place or where we gathered the problems were less acute, and we have to go ahead. As you may say, the problems are numerous and we want to finish -- I would not say as soon as possible



1
2 -- but we would like to finish in the normal time and
3 if we delay the beginning too much we are going to
4 finish later, of course. Right now all the commissioners
5 are available; they are free; therefore we should start
6 the hearings as soon as possible. We are sorry, but
7 we have to start in Charlottetown on February 11.
8 Therefore, the schedule for Charlottetown, Saint John
9 and the Pacific coast is to be followed.

10 If there are no other matters gentlemen, we
11 are adjourning the public hearings of the commission
12 to Charlottetown, Prince Edward Island, on February 11,
13 1963. Thank you.

14 MR. LANGLOIS: Mr. Commissioner, first of
15 all with regard to rulings from the commission. When
16 the commission is not sitting, will we be allowed to
17 make our request by written motions?

18 THE CHAIRMAN: Yes, that is right. We
19 decided on public sittings. We have already had a few
20 administration sittings; we will have more and also we
21 will meet to study the briefs, and so on; therefore,
22 we will meet quite often. The commissioners will meet
23 quite often and whenever you want to make a special
24 request, make it in writing and we will try to reply to
25 you.

26 MR. LANGLOIS: Through the secretary?

27 THE CHAIRMAN: Through the secretary.

28 -- The commission adjourned.
29
30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

OTTAWA

VOLUME No.:

DATE:

In Camera Hearing
Held in Hunter Building

January 22, 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

In camera hearing held in the
Hunter Building, Ottawa,
Ontario, on Tuesday, the 22nd
day of January, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert W. Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques, Q.C.

PRESENT:

Mr. J.R. Baldwin, Deputy Minister.

Mr. G.W. Stead, Assistant Deputy Minister,
Marine.

Mr. Alan Cumyn, Director of Marine Regulations
Branch.

Mr. R.R. Macgillivray, Assistant Counsel D.O.T.

Capt. C.M. Seeley, Assistant Superintendent of
Pilotage.



1 --- On commencing at 10 a.m.

2 THE CHAIRMAN: Mr. Jacques, we might discuss
3 the question of people from the Department being witnesses,
4 and to what extent, and what would be the Department's
5 policy. I think this is something that should be
6 arranged from the beginning.

7 MR. JACQUES: I think that since we are
8 calling the people to give evidence on oath from the
9 pilotage group and the shipping owners, that in order to
10 be fair and in order to have a good investigation we
11 should have a representative of the Department on hand
12 to give evidence as a witness at each and every hearing.
13 He will be heard last and the purpose of hearing his
14 evidence would be to complete any given set of facts
15 which have been brought up either by the shipowners or
16 by the pilots. There seems to have been a misunderstanding
17 somewhere. I read a letter addressed by the Deputy
18 Minister stating Captain Jones would be an observer. I
19 don't think an observer would be sufficient.

20 The Commission is investigating pilotage and
21 not merely pilots, and pilotage has been administered by
22 the Department, and therefore the Department must be
23 considered a party before the Commission and be subject
24 to investigation within reasonable limits, within legal
25 limits, of course. We will not force the Department to
26 produce any documents which are considered confidential
27 or force the witnesses to give evidence if he thinks it
28 is not in the public interest to reveal a fact that we
29 are seeking out.

30 MR. BALDWIN: Mr. Chairman, the first point



1 is that the letter which I addressed to the Secretary
2 regarding the presence of Mr. Jones was not to set out
3 the role of the Commission. This was purely to serve our
4 own purposes in the Department so we would be in touch
5 with the work of the Commission.

6 THE CHAIRMAN: That is not...

7 MR. BALDWIN: We were providing this man
8 because we felt we should have a man who could report
9 back to us in case things came up we should be prepared
10 to deal with. This wasn't for the purpose of the Commis-
11 sion, but to serve the purpose of the Department. As
12 regards the other suggestion we would be extremely - we
13 want to co-operate to the maximum in regard to providing
14 factual information to the Commission on any points which
15 they want to raise with us, but I do see some difficulty
16 in having Departmental witnesses available at every
17 regional hearing of the Commission across Canada in a
18 position to give evidence at that time. I would think if
19 that were considered necessary we would then have to take
20 the additional step also of appointing a Departmental
21 counsel to be present at all hearings. The problem of
22 witnesses wouldn't be an easy one.

23 I have no reservation on the competence of
24 Jones, but this would be a very heavy burden to ask him
25 to be ready to appear as a witness on any item that
26 might be raised at any regional hearing. We could obtain
27 facts on any point that is raised if they are not
28 readily available and provide them, but this is certainly
29 a new procedure in Royal Commissions that I have never
30 encountered before. I was looking into this question



in that the letter which I addressed to the Secretary
regarding the presence of Mr. Jones was not to set out
the role of the Commission. There was merely to serve out
own purposes in the Department as we would be in touch
with the work of the Commission.

MR. MILLER: We were talking of it in the
because we felt we should have a more complete report
back to us in case things came up we should be prepared
to deal with. This meant for the purpose of the Com-
mission, but to serve the purpose of the Department. It
regards the other suggestion we would be extremely - we
want to cooperate to the maximum in order to have good
technical information to the Commission in any future work
they want to have with us, but we want to have
in having Departmental witnesses available at a
regional hearing at the Departmental level. It is
question to give evidence at that time. I would like to
that were considered necessary we would like to have to look
the additional step and of appointing a representative
to be present at all hearings. The presence of
witnesses would not be an easy task.

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Mr. Jones, but this would be a very heavy burden to ask him
to be ready to appear as a witness at any time.
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facts at any point that is raised if they are not
readily available and provide them, but this is certainly
a new procedure in Royal Commission that I have never
encountered before. I was looking into this question



1 the other day and the practice does vary considerably,
2 but normally if it is felt that the Government witness
3 is required on a given matter before a Royal Commission
4 I think the practice - I am trying to find out a little
5 more - I think the practice has usually been to have a
6 senior official appear in camera. I was trying to check
7 on the Royal Commission on Banking. Mr. Radlasky
8 appeared as a witness but when they came to the Depart-
9 ment of Finance, and I am not sure whether they did
10 actually call the Deputy Minister of Finance, but they
11 had arranged if they were going to do it it would be in
12 camera because it is always difficult for an official to
13 be a public witness and have questions addressed to him
14 dealing with public matters that are really the responsi-
15 bility of the Government and not of the witnesses them-
16 selves. Is there anything you would like to add to that,
17 Mr. Macgillivray?

18 MR. BALDWIN: We could provide any
19 information you want at any time if we have enough time
20 to get it together. We could make Mr. Jones available
21 for additional purposes if you wish. If you wish a
22 witness available at every hearing we would have to
23 consider how best we could do it, maybe a series of
24 different people, and we would persuade them to appoint
25 a counsel on behalf of the Department to follow in all
26 things, and I think we would have to place some restric-
27 tions on the role of the witness and limit him only to
28 statements of fact.

29 MR. JACQUES: I fully agree that the role
30 of the witnesses would be for statements of fact. As



1 wouldn't be competent, in the first place, to give
2 evidence on matters of policy; past, present or future.
3 He certainly wouldn't. He wouldn't be compellable to
4 reveal confidential information. It is not our intention
5 to go into matters of policy with the witnesses of the
6 Department in public. You must realize innumerable
7 facts will be quoted before the Commission by the pilots.
8 It doesn't apply particularly in the Charlottetown
9 district or the Saint John, New Brunswick district, but
10 in the St. Lawrence evidence.

11 MR. BALDWIN: Possibly. I think this is
12 something we would have to consider a little more.

13 THE CHAIRMAN: Yes, that is why I raised
14 the question.

15 MR. BALDWIN: And discuss it among ourselves.

16 THE CHAIRMAN: I think it is really a problem
17 of the Department. It is not our problem, and that is
18 why I wanted to bring it up. We are not here to decide
19 or to delay you and so on. This is up to you to know
20 what is public policy and what is confidential and so on.
21 When we see we need some information that you think
22 should not be given in public then we can decide whether
23 it will be advisable to have an in camera hearing and so
24 on.

25 COMMISSIONER SMITH: I think this ought to be
26 cleared up a bit. It seems to me incongruous in a sense,
27 to have a Department official on the witness stand and
28 subject to cross-examination and all that that involves.
29 It creates a bit of a chain reaction of getting his next
30 superior right up to the Deputy head and possibly up to

...the first time, to give

...he certainly wouldn't. He wouldn't do anything to do

...to go into matters of policy with the witnesses of the

...Department to publish. You want to see the

...facts will be placed before the Commission in the future.

...It doesn't apply particularly in the Department.

...disrupt on the other hand, it would be a disaster, and

...MR. BENTLEY: I think

...something we would have to consider, I think

...THE CHAIRMAN: The question is whether

...the question

...MR. BENTLEY: And the question is whether

...THE CHAIRMAN: I think it is a question of

...of the Department. It is a question of

...why I wanted to bring it up. It was a question of

...to delay you and so on. It is a question of

...what is public policy and what is not public policy

...What we see we see some things that we don't think

...should not be given in public. It is a question of

...it will be impossible to have an open hearing and so

...CONFIDENTIAL: I think it is a question of

...closed up a bit. It seems to me the question is a

...to have a Department official on the witness stand and

...subject to cross-examination and all that else involves

...It involves a bit of a question of getting the

...question right up to the jury and possibly up to



1 the Minister. This is one objection that I think ought
2 to be carefully considered before an official decision is
3 made about this.

4 THE CHAIRMAN: I think when the witness is a
5 member of the Department when he comes to the stand he
6 ought to know exactly to what extent he can testify,
7 what is his power and so on.

8 MR. JACQUES: In other words...

9 THE CHAIRMAN: It isn't up to us. It is up
10 to him to know before he gives testimony to what extent
11 he can go. If it goes beyond what he is supposed to say
12 he should say so and on account of public policy we will
13 give the privilege of stopping cross-examination on that
14 point.

15 MR. JACQUES: In other words, you would be
16 the sole judge whether something is against public
17 interest or something is a matter of policy which should
18 not be revealed?

19 MR. BALDWIN: It is not so much the nature
20 of the revelation as the problem of the difficulties
21 that could arise if a lawyer or counsel for a ship-owning
22 group or a pilotage group wished to embark on a course
23 of cross-examination that was awkward for the witness
24 as a civil servant. This, I think, is the real diffi-
25 culty.

26 THE CHAIRMAN: In a case like that we would
27 probably take the objections of the witness and reserve
28 our decision and then we could discuss it with the
29 people interested and find out whether it could be given
30 later on. You would have plenty of time.



1 COMMISSIONER RENWICK: In practical applica-
2 tion we would be the sole judge as to whether a question
3 is proper under this discussion.

4 THE CHAIRMAN: For the time being, and if
5 the information was really necessary, we would try to
6 get it in camera if it is not obtainable otherwise.

7 MR. BALDWIN: I suppose it may be possible
8 to foresee those public hearings which are likely to
9 cause more difficulty than others. I take a possible
10 example: I can't see any major problem coming up in
11 Charlottetown that would be embarrassing in this connec-
12 tion. I can see it coming up in Vancouver, or Quebec,
13 if you like. Rather than give a final or definitive
14 answer could we talk a little bit among ourselves as to
15 how best we might achieve this?

16 THE CHAIRMAN: I want to raise the question
17 because we are going to run into difficulties with this
18 with other people that consider the Department is a
19 party to the litigation; there are three parties, and
20 they consider the Department is a party. Also, you are
21 certain to have in your possession quite a lot of facts
22 that couldn't be obtained otherwise. You are part of the
23 fact-finding.

24 MR. BALDWIN: I hope it can be made clear
25 we are not a party in the normal sense. The work of the
26 Commission is designed to help the Department.

27 THE CHAIRMAN: It is to find out the situation.

28 MR. JACQUES: Really, there are no parties in
29 front of us.

30 THE CHAIRMAN: We are here to try to find out



CONFIDENTIAL - This document contains information which is exempt from release under the provisions of the Freedom of Information Act, 5 U.S.C. 552, because its disclosure could result in the identification of confidential sources and methods of investigation.

The information was really necessary, we had to get it in camera if it is not possible to get it in camera.

MR. BALDWIN: I suppose it may be possible to foresee those points because when we talk to

cases more difficult than others. I think a person

example: I can't see any major problem in

Cartersown that would be satisfactory in the future

tion. I can see it coming up in the future, and

it is like. But then give a little more

now we could we talk a little bit about the

new best we might achieve with

THE CHAIRMAN: I want to ask you a question

because we are going to have a little bit of a

with other people and consider the future of it

party to the litigation, come to a decision and

then consider the paper and is a paper and

certain to have to have a little bit of a

that could be observed and heard, and the

MR. BALDWIN: I agree to have a little

we are not a party in the future, and the

Organization is due to have a little bit of a

THE CHAIRMAN: I am not sure of the

MR. BALDWIN: I think it is possible to

front of it

THE CHAIRMAN: We are here to try to find out



1 FACTS.

2 MR. JACQUES: Let us say you are an appearer
3 before the Commission and not a party. There is no such
4 thing as a plaintiff and defendant in a Royal Commission.
5 You wouldn't be in opposition to anybody.

6 MR. BALDWIN: Yes. I think what we have to
7 do is find a method by which we could provide appropriate
8 facts that either the Commission considers relevant or
9 we consider relevant at regional hearings, depending on
10 what other evidence is given, without, however, placing
11 a civil servant as a witness in a position that is impos-
12 sible for him in relation to cross-examination on matters
13 which he should not be dealing with as a civil servant.

14 THE CHAIRMAN: Most problems will be settled,
15 anyway, through our counsel in liaison with you before,
16 so he will know what is necessary.

17 MR. STEAD: Why can't that be submitted in
18 writing? I see no reason why that couldn't be written.

19 MR. BALDWIN: I see no reason why that
20 couldn't be submitted in writing, but he would still
21 have to have someone on the staff available to deal with
22 counsel who would have to be able to get in touch and
23 say, "These are the facts we want."

24 MR. JACQUES: Exactly, sir. In fact, we
25 have started already to work along that line. I have
26 obtained documents, figures and facts from Captain
27 Seeley but this couldn't be merely tendered to the
28 Commission. There must be explanations g'ven of these
29 facts. If we are entitled to investigate briefs
30 submitted by other parties, briefs submitted by pilots.



before the Commission and that a party would be to show
thing as a plaintiff and defendant in a Federal Commission.
You wouldn't be in opposition to anything.

MR. BALLWIN: Yes. I think what we have to
do is find a method by which we could handle a case in
fact that either the Commission considers relevant or
we consider relevant at regional hearings, depending on
what other evidence is given, without, however, placing
a civil servant as a witness in a position where he is liable
for him in relation to his next position on matters
which he should not be dealing with as a civil servant.

THE CHAIRMAN: Most probably we will be satisfied
anyway, through our contact in London, with the fact
so he will know what is necessary.

MR. STONE: Why can't we just go ahead and
writing? I see no reason why that couldn't be done.
MR. BALLWIN: I see no reason why that

couldn't be submitted in writing, but he would still
have to have someone on the staff, someone to deal with
counsel who would have to be able to go to court and
say, "these are the facts we want."

MR. JAGGERS: Basically, yes. In fact, we
have secured already to work along that line. I have
obtained documents, figures and facts from the
Chief but this couldn't be merely referred to the
Commission. There must be explanation given of these
facts. If we are entitled to investigate details
submitted by other parties, details submitted by others,



1 and if we request that they establish their facts by
2 proper evidence, and not merely by writing to the
3 Commission I think we must be prepared to submit to the
4 same treatment.

5 You see, there is a lawyer here. I think
6 he will understand what I am driving at. Any record or
7 extract from any governmental records makes prima facie
8 proof of the facts it contains, so the role of the
9 witnesses wouldn't be to prove those facts, but to give
10 explanations surrounding those facts. Facts taken from
11 government records are taken as proven unless someone else
12 proves to the contrary. Right?

13 MR. MACGILLIVRAY: Yes.

14 THE SECRETARY: That, I am afraid, Mr.
15 Chairman, is one of the areas where difficulties will
16 arise when a witness appearing on behalf of the Depart-
17 ment will come to the box to explain a fact.

18 THE CHAIRMAN: If he is not competent he
19 should say so, and that will be the end of it.

20 MR. JACQUES: He should say "I don't know."

21 THE CHAIRMAN: If you have statistics you
22 certainly have to know how they were compiled and what
23 place - what is the basis of the statistics. Sometimes
24 you know, but if you don't know all the factors, well,
25 you might draw any conclusion, and a very wrong conclu-
26 sion also, so therefore we might need experts to explain
27 how these are compiled. We may need that; I don't know.

28 MR. MACGILLIVRAY: I think, Mr. Chairman, we
29 may be able to help ourselves here. Before the regional
30 hearings the persons who are appearing there will have



1 filed their brief and we will have received copies of
2 them so, no doubt, we would be able to foresee some of
3 the questions that they may ask the Departmental witness
4 and so we will be able to have him prepared to answer
5 those. There is no doubt there will be some questions
6 come up which he will have to say he couldn't give the
7 answer to.

8 THE CHAIRMAN: We expect that.

9 MR. BALDWIN: Because he doesn't have the
10 facts or because of the policy he can't answer.

11 THE CHAIRMAN: We expect that and in cases
12 like that he would be given the necessary protection,
13 and if the fact requested is absolutely necessary, or
14 the explanation is absolutely necessary counsel will
15 talk to you and try to find out a way to satisfy the
16 interested party because we have to -- if other people
17 are appearing we have to act as if we are not taking
18 sides -- you know we are not taking them, but you know
19 how they are. They are going to watch us, every step we
20 take and say "They are taking sides." You have been
21 dealing with government and you know how they feel,
22 rightly or wrongly. I don't say it is wrongly, so far
23 as I am concerned.

24 MR. BALDWIN: It might be desirable, Mr.
25 Macgillivray, really, to have some understanding that
26 questions addressed to the Departmental witnesses - now,
27 I am thinking all questions directed to Departmental
28 witnesses could also be put to the Commission counsel,
29 which wouldn't mean other counsel couldn't suggest points
30 they wished answered, but questions could be addressed



1 by Commission counsel.

2 MR. JACQUES: I am quite willing, to the
3 Department, so long as it doesn't conflict. If it ever
4 does I will let the Department know.

5 MR. BALDWIN: I am trying to avoid, quite
6 frankly, direct cross-examination by outside counsel of
7 Departmental witnesses because even though we knew that
8 Commission and counsel for the Commission were quite
9 prepared to offer adequate protection to our witnesses,
10 the very fact that a given line of cross-examination by
11 counsel, say, for the shipowners' federation or the
12 pilotage group, a given line of questioning began in the
13 first instance, addressed to Departmental witnesses
14 might be highlighted in the press and create a most
15 unfortunate impression.

16 THE CHAIRMAN: That is right.

17 MR. BALDWIN: If the shipping owners or
18 pilotage group suggest to the Commission what they think
19 they would like to see asked of the Departmental witness
20 the actual decision whether it should be asked and the
21 asking itself be put in the hands of the Commission or
22 Commission counsel.

23 MR. JACQUES: I have no objection to your
24 suggestion, but there is one thing we must do, and we
25 must do it quickly. That is to advise people of this
26 procedure, because the rules of practice which we have
27 drafted don't foresee that eventuality. They have been
28 drafted so that everyone would be treated the same way.

29 MR. BALDWIN: I am not afraid of the degree
30 of protection counsel would provide our witnesses but I

MR. BELMONT:

department, as long as it doesn't conflict. If it ever
does I will let the Department know.

MR. BELMONT: I am trying to avoid, on the

mainly, direct cross-examination by the
Departmental witnesses because even though we have this
Commission and counsel for the Commission have been
prepared to offer evidence, restricted to our witnesses
the very fact that a group of of course, the
counsel, say, for the shipyard, testimony in the
place group, a given line of questioning based on the
their interest, addressed to the witness, we know
it might be right, but in the case of a witness, a fact

THE CHAIRMAN:

the witness, in the case of a witness, a fact
the witness group, suggest to the witness, you know, a fact
they would like to see some of the witnesses, a fact
the actual decision whether or not to accept a fact of the
asking itself, be put in the hands of the witness, a fact

Commission counsel

MR. BELMONT: I have no objection to your

suggesting, but there is one thing we must do, and we
must do it quickly. That is to advise people of this
procedure, because the rules of practice which we have
drafted don't foresee that eventually, they have been
drafted so that everyone would be treated the same way.

MR. BELMONT: I am not afraid of the degree

of protection counsel would provide our witnesses, but



1 am afraid of what the press would make of a line of
2 questioning started by someone else.

3 THE CHAIRMAN: Of course, you know, the
4 Department will not be a party bringing a submission
5 before the Commission so they would appear only when
6 summoned by subpoena or as a witness for other parties,
7 like Langlois.

8 MR. JACQUES: There will be no brief
9 submitted by the Department, or, perhaps one at the end
10 of the hearing, and the purpose of having an officer
11 attending as a witness is to complete a given set of
12 facts for the district, otherwise we would be in the
13 position of making a note of it and coming back to Ottawa
14 eight months afterwards and starting all over again.

15 THE CHAIRMAN: What I meant by that is
16 the Department will not be a party advancing submissions
17 before the Commission.

18 MR. BALDWIN: We wouldn't be taking the
19 primary initiative.

20 THE CHAIRMAN: Therefore the rules we have
21 set wouldn't apply to the Department's witnesses really,
22 because they are not the ones who want to come before
23 the Commission. They will be compelled there and there-
24 fore if they ask for protection they should have it.

25 MR. JACQUES: Very well, sir. In view of
26 the ruling or that thought you just suggested it wouldn't
27 be necessary to amend the rules of practice?

28 THE CHAIRMAN: No.

29 MR. JACQUES: Very well, sir.

30 COMMISSIONER RENWICK: Would it be desirable

and would not be a line of

investigation as to the person who

THE CHAIRMAN. Of course, you know, the

Department will not be a party to the investigation

before the Commission and you would agree

summed by someone as a witness for the

like that.

MR. HANCOCK. There will be no

submitted by the Department, and perhaps one or two

of the hearing, and the purpose of having

submitted as a witness is to complete the

facts for the District, otherwise he will

position of making a record of it and

the matter should be put in the

THE CHAIRMAN. That I am

the Department will not be a party to the

before the Commission.

MR. SELLMAN. We would like to

primary initiative.

THE CHAIRMAN. I would like to

set would not apply to the Department and

because they are not the ones who

the Department will be notified of

case if they are not contacted

the Department will be notified

one thing is that the Department

be necessary to have the case

THE CHAIRMAN.

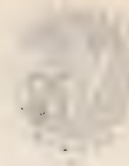


1 to have the Regional Director of Pilotage in the office?
2 I am thinking of Captain Eddy of Vancouver, Superinten-
3 dent of the pilots, and questions addressed from another
4 local area jurisdiction would be answered by Captain
5 Jones.

6 MR. BALDWIN: I would like to think a little
7 bit about that and perhaps maintain a flexible position.
8 The procedure that we have been discussing so far this
9 morning, I think, leads me to believe we should try and
10 plan our own on a basis which will allow us to do either
11 depending on the nature and the type of information that
12 the Commission thought should be provided or needed to
13 be brought in.

14 MR. JACQUES: I think it should be important
15 to whoever looks into it for the Department to decide
16 whether the local superintendent or representative in
17 Ottawa should be brought in. In some instances we will
18 have to call both. I thought to help the Commission
19 prepare for each hearing the local superintendent would
20 appear and explain how his department works, say, for
21 instance, where the pilot boat is stationed, how it is
22 operated, how far does it go out, how does it stand up in
23 the water, generally difficulties encountered in boarding
24 ships, difficulties encountered in getting proper E.T.A.'s
25 and E.T.D.'s and so on and so forth. I think they would
26 be the most competent men to answer those questions. In
27 some cases, yes. I think we could leave it, where neces-
28 sary, both the headquarters and/or the regional super-
29 intendent could be available.

30 COMMISSIONER RENWICK: Good.



dent of the plants, and questions addressed from members
local area, satisfaction would be expected by the public

MR. BARNETT: I would like to think a little
bit about that and perhaps emphasize a flexible position.
The procedure that we have been discussing for the past
morning, I think, leads us to believe we should try not
also own on a basis which we could not do if a new
depending on the nature and the kind of project we are
the Commission might be able to make a decision
be present in

MR. BARNETT: I think it is important to point out
to whoever looks into it that the Commission is not
without the local engineering community, and we should be
before being brought in. It seems to me that we should
have to call on it. I think to have the Commission
prepare for each morning. The local area should be
appeal and express how it is important to the public.
instance where the project is in the local area, it is
operated. The fact is that the Commission is not up to
the water, generally difficult to understand in connection

and E.T.P. and so on and so forth. I think they would
be the most competent men to answer these questions. In
some cases, yes. I think we could leave it, where need-
ing, with the Commission and for the regional report-
independent could be established.



1 MR. JACQUES: Now, sir, I have one request
2 to make. Would Captain Jones, if he returns in time,
3 be available at all times to attend with me to Commission
4 work?

5 MR. BALDWIN: This is what we had in mind.

6 MR. CUMYN: As a technical advisor?

7 THE CHAIRMAN: Liaison.

8 MR. JACQUES: Let us call him a liaison
9 officer or almost any other name but technical advisor.

10 MR. CUMYN: At any event, not as a witness.

11 THE CHAIRMAN: We are quite happy with this
12 appellation.

13 MR. JACQUES: It is my intention to go to
14 the various districts before the Commission gets there
15 and meet people up there.

16 MR. BALDWIN: When does Jones report?

17 MR. CUMYN: Returns this week. Does that
18 mean he will be with you throughout?

19 MR. JACQUES: Unfortunately for Captain
20 Jones.

21 MR. CUMYN: We will probably have Jones and
22 Slocombe away from pilotage.

23 MR. BALDWIN: I think we have to do this.
24 The answer is yes.

25 MR. JACQUES: Thank you, sir.

26 THE SECRETARY: Either him or somebody else.

27 MR. BALDWIN: I think Jones is the best man
28 for this particular operation.

29 THE CHAIRMAN: Now, Mr. Nadeau, what is the
30 next item you have?



MR. JACQUES: Now, sir, I have one request

to make. Would Captain Jones be available at all times to attend with me to Commission

work?

MR. BALDWIN: There is what we had in mind.

MR. CUMMINS: As a technical advisor?

MR. JACQUES: Let us call him a liaison

officer or almost any other name not technical advisor.

MR. CUMMINS: At any event, not as a witness.

THE CHAIRMAN: We are going to have to do

something.

MR. JACQUES: It is my intention to go to

the various districts before the Commission to see

and meet people up there.

MR. BALDWIN: What about local residents?

MR. CUMMINS: Before this week, I was

mean he will be with you throughout

MR. JACQUES: Unfortunately for Captain

Jones.

MR. CUMMINS: We will probably have Jones and

Stimmons away from Richmond.

MR. BALDWIN: I think we have to do this.

The answer is yes.

MR. JACQUES: Thank you, sir.

THE SECRETARY: Register him on somebody else.

MR. BALDWIN: I think Jones is the best man

for this particular operation.

THE CHAIRMAN: Now, Mr. Jacques, what is the

next item you have?



1 THE SECRETARY: The next item - there was
2 no fixed agenda for this meeting, but I understood that
3 the Deputy Minister and other Department
4 officials, knowledgeable in the pilotage, would be here
5 to assist the Commission in explaining anything in the
6 memorandum that has been submitted to the Commission
7 recently on pilotage in Canada, and also provide a verbal
8 briefing on the overall situation as presently existing,
9 outline in particular the main problems with which the
10 Department has been confronted in its administration of
11 pilotage, really to supplement the information at hand.

12 MR. BALDWIN: I don't know that I have any
13 particular statement to make, Mr. Chairman. The facts
14 with regard to the Shipping Act and the general position
15 thereunder are set forth in the Departmental brief.
16 However, I think it is quite apparent to you and to the
17 members of your Commission that this is much more than
18 just a matter of law and how the Shipping Act works. It
19 is as Mr. Stead said to me last night when we were talking
20 about this; it is really a problem in political science.

21 The situation hasn't been a stable situation
22 with regard to pilotage. The reasons are, perhaps,
23 many why this has been true, but both the pilots and the
24 shipowners, I think, would like to see a more stable
25 situation occur. We, quite frankly, haven't been able
26 to make the present arrangements work as efficiently and
27 as effectively as we think they should.

28 It is this whole problem: the stability in
29 the provision of pilotage in a manner fair to both the
30 pilot and the shipowner. That is the primary concern.



1 Out of that stems the other problems. The problem, in
2 part, with political sciences, I think, perhaps, is set
3 out a little more clearly even in the original memorandum
4 that was prepared by Mr. Nadeau for the Commissioners.
5 The problem of level of pilotage income and how to
6 reconcile what is reasonable for the pilots to what is
7 considered a reasonable policy by the shipowners and
8 reasonable in relation to other marine competent trades.

9 The problem of on what legal basis pilotage
10 should be provided, the Government established a monopoly
11 with certain technical rules - the compulsory pilotage
12 dues - is this the right basis or should there be compul-
13 sory pilotage dues as distinct from dues? The problem
14 that has concerned us, that has concerned External
15 Affairs even more, and they feel very strongly on this,
16 is the basis upon which exemptions are now provided
17 improper and, in fact, if not illegal, at least inconsis-
18 tent as far as international agreements are concerned.

19 In the general rule the methods employed by
20 the pilots or which should be available to the pilots
21 to ensure that they are satisfied they are getting fair
22 treatment while at the same time protecting the situation
23 as far as stability is concerned. These are simple
24 things to say, difficult for you to deal with. Apart
25 from that I don't know that there is too much I can add
26 at this time, Mr. Chairman. If, however, there are any
27 particular points on which you would like elaboration
28 from Mr. Cumyn, Mr. Stead or Mr. Macgillivray, I think
29 they could probably go into the thing in considerably
30 greater detail.



...in the problem, in
part, with political sciences, I think, perhaps, to set
out a little more clearly even to the original memorandum
that was prepared by Mr. Nelson for the Department.
The problem of level of prices there and how it
relates what is reasonable for the price to what is
considered a reasonable policy by the shipowners and
reasonable in relation to other business concerns.
The problem of or what level of prices
should be provided, the Government established a monopoly.
...
... - is this the right state of affairs or is it not?
very pitiable case as directed from that the problem
...
Africa even now, and they feel very strongly about it.
... as the state upon which example from ...
... and in fact, it is illegal, it is a violation of the
... as far as international agreements are concerned,
... in the general rule that states that it is
the policy of which should be avoided, ...
to ensure that they are satisfied with the ...
treatment while at the same time ...
... as far as stability is concerned, there are a ...
... to say, difficult for you to ...
... that I don't know that there is ...
... particular points on which you would like ...
... from Mr. Gray, Mr. Studd, or Mr. MacGillivray, ...
... they could probably go into the thing in considerably
greater detail.



TITLE SECRETARY: Mr. Baldwin, yesterday the

Commissioners were asking me for information which I felt not quite capable to give in detail, although I explained to some extent how it did develop, the question being what was basically the main reason for the stoppage of work last April. I pointed out, of course, that this, in fact, resulted from an accumulation of complaints over the years, and that as a result of the last negotiations that took place between the Pilotage, Shipping and Departmental interests a deadlock had been reached, particularly over the question of levels of remuneration for the pilots.

It was my understanding that the pilots had been at this time asking for an increase in their level of remuneration that the Departmental advisors to the Minister felt difficult to approve on the basis of their recommendations to the Minister, and the Minister, as a result of this advice, told or replied in the negative to the various pilotage associations involved in the St. Lawrence.

I wasn't too sure whether this was, in fact, exactly what had prompted the pilots to take this rather drastic action. I was wondering whether some elucidation on this point could be given to the Commission.

MR. BALDWIN: Yes, I think that the reasons for the situation which emerged last April are as much rooted in the psychology of the pilots on the one hand and the mental attitude of the shipowners on the other hand. This was really the root of the problem; the outward aspect, from the fact that pilotage groups

GOVERNMENT: Mr. Baldwin, yesterday the

Commissioners were asking me for information which I

felt not quite capable to give in detail, although I

explained to some extent how it all developed, and

the stoppage of work last April. I pointed out that

course, that this, in 1907, resulted from an accumulation

of complaints over the years, and that as a result of

the last negotiations that took place between the

Shipping and Departmental interests a decision

had been reached, particularly over the question of

levels of remuneration for the pilots.

It was my understanding that the pilots

had been at this time asking for an increase in the

level of remuneration that the Departmental interests

to the Minister felt difficult to agree to, and that

of their recommendations to the Minister, and the

Minister, as a result of this, found it difficult

in the negative to the various things, and because

involved in the St. Lawrence.

I wasn't too sure whether or not it was

exactly what had prompted the pilot to do this, but

on this point could be given to the Minister.

For the situation which emerged last April and as much

rooted in the psychology of the pilots as in the fact

and the mental attitude of the employees of the other

hand. This was really the root of the problem, the

outward aspect, from the fact that, in the



1 requested certain further financial concessions which
2 would have either given them a direct or an indirect
3 increase in income along with certain other adjustments
4 in pilotage rules or regulations.

5 We have been trying to preserve the old
6 course, with limited success I might say, for several
7 years. We had asked the pilots and shipowners to get
8 together and agree as to what would make sense between
9 themselves and we told them that we would see it was made
10 law. The shipowners had been becoming increasingly
11 restive and had got to the stage where their thinking was,
12 and I speak of the Marine Association as well as the
13 Federation, that they said that this had gone far enough
14 and that only by digging in their heels could they make
15 it clear that they could not live with this situation
16 any longer.

17 The pilots, having felt this situation
18 emerged over the past year or two, were also in a mood
19 to show strength, if you will. This was, to my mind, of
20 major significance. Both parties were spoiling for a
21 fight at that stage. The shipping federation wanted the
22 pilots to go on strike because they said they would like
23 to see them try to get along without them. Some of the
24 shipping federation thought, when the thing came to an
25 end, they said "We are rather sorry it has ended this
26 way because while we are happy that the decision to
27 appoint a Royal Commission has resulted, in fact, we
28 were just nicely getting organized."

29 They were getting organized so they could
30 move ships, at a reduced rate, but moving nevertheless.

...an answer given them a third or so...

...change rules or regulations.

We have been trying to...

...We also asked the...

...and agree to...

...and we told them...

...The statements...

...and told me...

...and I ask...

...better...

...and that only...

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...appears...

...were...

They were...

...as a...



1 On the other hand, the pilots felt they must,
2 in the light of the situation that had been developing
3 over the past year or two, for which I think they
4 blamed the Department and we think unreasonably, but they
5 did blame us and they felt they must again make a show
6 of strength to establish their position. It was really
7 like a situation you find in an industry where, regard-
8 less of the facts on the surface, it is almost inevitable
9 that a strike take place before settlement develops.

10 If you are familiar with labour situations
11 you will know what I mean in that sense. I think that
12 is a fair summary.

13 THE CHAIRMAN: That is about what I thought.

14 COMMISSIONER SMITH: I have been looking
15 over the past reports of the Royal Commissions starting
16 back in 1913 and I put aside all of them except the
17 committee report of Mr. Audette. There was some recom-
18 mendations there that appear to be almost unanimous. It
19 occurred to me that those recommendations were entitled
20 to very serious consideration by the Department and by
21 the Government.

22 I made a few notes and I do not know whether
23 the Deputy Minister wants to be bored with this thing but
24 I would like to get some answers to some of these
25 problems that are agitating my mind a little.

26 The first question is: they thought that
27 some step should be made to bring the pilots under the
28 Civil Service Superannuation Act. The answer at that
29 time - this is 1949 - was that there was some legal
30 block in the way and that was out on account of the legal

On the other hand, the fact that the situation has been developing over the last year or two, for which I would have blamed the Department and we should not be afraid, but they did blame us and they felt they were doing a good job of attempting to establish their position. I was really like a situation was fixed in an institution where, perhaps, some of the facts of the situation in the United States, that a similar take place before a similar situation. If you are familiar with the situation, you will know what I mean in that regard. I think that is a fair summary.

THE CHAIRMAN: Yes, as you said, I think the Committee found that the situation was not really over the last year or two, but the situation was back in 1943 and I put it in the record. The Committee report of the situation, I think, was a very good one. I mentioned that the report of the situation was a very good one. I mentioned to me that there is a situation which was a very good one. I mentioned to me that there is a situation which was a very good one. I mentioned to me that there is a situation which was a very good one.

I made a few notes and I do not know whether the Deputy Minister would be bored with it. I think not. I would like to get some answers to some of these questions that are being asked. The first question was they thought that some step should be made to bring the situation under the Civil Service Commission. The answer of course is - this is 1949 - was that there was some step taken in the way and that was one of the steps.



1 position. Now, I understand since 1949 there were some
2 changes in the Act which might, and I am not quite sure
3 about this because I have not studied that aspect of it,
4 which might enable, if it is desirable, to bring them in
5 under the Civil Service Superannuation Act, and I would
6 like to have the legal information of your Department on
7 that point.

8 MR. BALDWIN: I could not answer offhand. It
9 has been possible to develop arrangements in those cases
10 where there was a possibility of the pilots becoming
11 employees, paid by the Department under the Superannuation
12 Act. I have had some contact with the discussions with
13 Finance in that connection and I know they were exceedingly
14 difficult discussions.

15 For instance, there was a lengthy period of
16 work with Finance covering about two years before they
17 agreed to what appeared to us to be a reasonable basis
18 on which, for instance, the Halifax pilots might all have
19 access to the superannuation plan. This is, of course,
20 in the event that the Halifax pilots decided they wanted
21 to become government employees.

22 We were asked to make a report on this; we
23 did, and it took us about two years to persuade Finance
24 to make the rather generous financial arrangements that
25 were necessary to offer anything reasonable to the pilots
26 considering that the existing superannuation plan is
27 basically unsound financially. If it would be possible
28 to have a superannuation extended to pilots who were not
29 in receipt of salary from the Government it would be,
30 first of all, a legal question and on which we would have



about this because I have not studied that aspect of it which might enable, if it is desirable, to bring them in under the Civil Service System, and I would like to have the legal department at that point, that point.

MR. BELLING: I could not agree with you. It has been possible to develop a system in the past where there was a possibility of the future becoming employees, paid by the Government, and a suggestion that I have had some contact with the Department of Finance in that connection and I know they were extremely difficult discussions.

For instance, there was a lengthy period of work with Finance covering about two years before they agreed to what appeared to me to be a reasonable basis on which, for instance, the Public Works Administration seems to be a continuation plan. This is, of course, in the event that the Public Works Administration should become Government employees.

We were asked to make a report on this; we did, and it took us about two years to make Finance to make the rather extensive financial arrangements that were necessary to offer a living allowance to the public considering that the existing suggestion plan is basically unsound financially. It is not possible to have a superannuation extended to public who were not in receipt of salary from the Government at that time. First of all, a legal question and on which we would have



1 to ask Mr. Macgillivray to obtain some sort of opinion.
2 Whether, in fact, it was a legal position which could be
3 done would have to be a policy matter which would be
4 much beyond my scope to comment on.

5 I think Finance would have extremely strong
6 views on this because of their feeling that the Super-
7 annuation Act is for people employed by the Government.
8 There are the two points and we would be happy to obtain
9 the information for you on the legal aspect.

10 COMMISSIONER SMITH: Thank you, that is fine.
11 I think it will be helpful to the Commission to have that
12 information. There was another point raised by the
13 committee; in effect it said this: there was a deficit,
14 an overall deficit in the pilotage organizations of over
15 one-and-a-half million dollars.

16 MR. BALDWIN: This was in regard to pension
17 plans?

18 COMMISSIONER SMITH: Yes, the pension fund.
19 Now, I am not quite sure about that; it may be that the
20 pension fund was behind twice that much. I think it was
21 twice that much. However, they recommended that the
22 Government put up one-and-a-half million dollars of that
23 deficit, that pension deficit. My recollection is that
24 recommendation was unanimous, by all the members of the
25 committee.

26 I would like to find out if any action was
27 taken by the Government in that connection.

28 MR. BALDWIN: The Audette Report precedes me
29 in this office but my recollection - it also precedes
30 Mr. Cumyn and Mr. Stead's association with pilotage, but

to ask Mr. Macgillivray to obtain some sort of opinion. Whether, in fact, it was a legal question which could be done would have to be a policy matter which would be much beyond my scope to comment on.

I think Finance would have extremely strong views on this because of their feeling that the Superannuation Act is for people employed by the Government. There are the two points and we would be happy to obtain the information for you on the legal aspect.

COMMISSIONER SMITH: Thank you, that is fine.

I think it will be helpful to the Commission to have that information. There was another point raised by the committee; in effect it said this: there was a deficit in the pilothouse organization of over one-and-a-half million dollars.

MR. BALDWIN: This was in regard to pension

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COMMISSIONER SMITH: Yes, the pension fund.

Now, I am not quite sure about that; it may be that the pension fund was behind twice that much. I think it was twice that much. However, they recommended that the Government put up one-and-a-half million dollars of that deficit, that pension deficit. My recollection is that recommendation was unanimous by all the members of the committee.

I would like to find out if any action was

taken by the government in that connection.

MR. BALDWIN: The Auditor General preceded me

in this office but my recollection - it also preceded

Mr. Gwyn and Mr. Stead's association with pilothouse, but



1 my recollection is Finance turned this down. At the
2 time there were certainly informal discussions and the
3 Treasury did not feel this would be possible.

4 THE SECRETARY: I think on this point you
5 can obtain specific information from other officials in
6 the Department. I have been informed that, in fact, the
7 recommendation to implement the recommendation to over-
8 write this amount went to Treasury Board under the signa-
9 ture of the Minister to Treasury Board who, after delibera-
10 tion, threw it out.

11 MR. BALDWIN: I have never seen the file.

12 THE SECRETARY: I understand that from the
13 financial services.

14 COMMISSIONER SMITH: Then, there were some
15 other recommendations. Of course, the Shipping Act was
16 consolidated after the Audette Committee Report and I
17 think the consolidation was in 1952, was it not, the
18 Shipping Act?

19 THE SECRETARY: That is right.

20 COMMISSIONER SMITH: The report was in 1949
21 and there may be some of these points picked out in the
22 consolidation of the Act.

23 MR. MACGILLIVRAY: That was the Revised
24 Statutes of Canada, 1952, and it is not the practice to
25 enter new material or make material changes at the time
26 of such revision; it is just incorporating of the
27 existing amendments.

28 COMMISSIONER SMITH: So none of the things
29 recommended by Audette would be included in the consolida-
30 tion?



as to financial control. At one

there were certainly financial difficulties and the

Treasury did not feel that would be possible.

THE SECRETARY: I think on this in the year

and obtain specific information from the Treasury

the Department. I have been informed that in the

recommendation to improve the recommendation to

write this amount went to Treasury and would be

one of the Minister to Treasury Board and, after

then, draw it out.

MR. BATHURST: I have been asked to

THE SECRETARY: I have been asked to

financially

GOV. GEN. (MR. BATHURST): I have been asked to

other financial matters of course, and I have

consolidated after the Auditor General's report

think the consolidation was a good one and

THE SECRETARY: I have been asked to

GOV. GEN. (MR. BATHURST): I have been asked to

and there may be some of a case to be placed

consolidated as the

MR. BATHURST: I have been asked to

Statement of Canada, 1957, and it is in the

other new material of the Auditor General's

of such revenue in its general statement of the

GOV. GEN. (MR. BATHURST): I have been asked to

recommended by the Auditor General in the

1957



1 MR. MACGILLIVRAY: Unless they had been
2 taken care of in amendments prior to 1947 to 1952.

3 COMMISSIONER SMITH: They made some comments.
4 Some of these were definite recommendations and others
5 sort of opinions expressed, not too definite recommenda-
6 tions. Among them was the uniformity of tariffs in the
7 whole pilotage district in Canada. That is, of course,
8 a tremendous problem and it might be unworkable; I do not
9 know. It may be impossible of fulfilment. Then there
10 was a lot of statements made about the retiring
11 allowance of the pilots and they suggested, among other
12 things, on the question of pensions and other matters
13 requiring actuarial information, detailed information,
14 that the whole matter be thrown in the lap of the Depart-
15 ment.

16 The Department had technical advisors and
17 had available a Superintendent of Insurance and other
18 sources where they could get information in order to
19 submit some sort of a pension scheme based on actuarial
20 foundations that might be acceptable.

21 I was wondering if any study had been made
22 in that connection.

23 MR. BALDWIN: I think it would be fair to
24 say that over the past few years our pilotage officials
25 have worked with the insurance branch and with Finance
26 but particularly with the insurance branch on the indivi-
27 dual pension plans of each district. Having spent a
28 great deal of time in this way, after studying it
29 financially, actuarially and discussing it with the
30 local pilotage committee concerned, there has not been



1 an attempt to establish a uniform plan across the whole
2 of Canada.

3 A great deal of work has gone into each indi-
4 vidual plan with a view to advising the local pilotage
5 committee how best they could improve that plan, make
6 it sound.

7 COMMISSIONER SMITH: Would that lead up to a
8 uniform plan eventually? Would there be any possibility
9 of that leading up to a uniform plan?

10 MR. BALDWIN: This would be very difficult
11 unless the Government were to intervene on a substantial
12 scale to take it up.

13 COMMISSIONER SMITH: I wanted to be clear
14 on that. I think those are the main points; there are
15 a lot of others here but they are minor and I think we
16 can get along without answers to them.

17 Then, I also found something to the effect
18 that a guaranteed annual salary was made conditional by
19 the Department in certain aspects and they were using
20 that as a basis of argument to have a guaranteed annual
21 salary for the pilots. They quoted some authority that
22 seemed to be reliable, that government or the Department
23 actually to a small degree did follow that policy in
24 certain districts. I could not really find any answer
25 to that at all.

26 MR. BALDWIN: Perhaps I can help in that
27 connection. It has, if not always, at least for a
28 considerable number of years, been implicit in the
29 official approach to tariffs. The implicit thought, at
30 least, the idea has been implicit that pilotage income

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1 would be maintained at a reasonable level. I think
2 that, in other words, the tariff questions, questions
3 that are of changes, when they have finally been
4 analyzed at Ottawa have not been analyzed or assessed
5 solely on the basis of the difficulty of the job involved
6 of pilotage, not solely on the basis of the reaction of
7 the shipowner, Dominion Marine Association, the Marine
8 Federation or whatever it might be.

9 A factor which has been taken into considera-
10 tion has always been, "Is the income of the pilot
11 reasonable? Well should there be something done to
12 help raise it?" I am not attempting to say whether
13 this was a good thing or not but certainly this was one
14 of the major factors considered.

15 I think in logic, perhaps, one could say
16 that maybe the assessment should have been made on the
17 question of need or the difficulty of the job but the
18 welfare situation was implicit and I think the officials
19 made this clear to Mr. Audette.

20 Subsequently we went much further than that
21 and with various discussions with various pilotage
22 groups, ^{an} offer actually did develop. If they so
23 desired a guaranteed wage on the basis of government
24 income we said if they were interested in a government
25 salary we would try to develop a plan for that but if
26 not and you are interested in it we will try to get a
27 formula which will guarantee their income each year.
28 This would be done with a reasonable floor and a
29 reasonable ceiling.

30 In other words, we would ensure that if they



be maintained as a reasonable level. In other words, the tariff question, especially that one of changes, when they have been analyzed at Ottawa have not been treated as a matter of policy on the basis of any definite principle of principle, not really on the basis of the tariff. The answer, however, is that the Federation or whatever it might be.

A factor which has been taken into account is that it has always been the policy of the Board to be reasonable. Well, should there be any change in the tariff? I am not attempting to say that this was a good thing or not, but what is the result of the major factors involved?

I think in fact, the Board, in fact, has been very reasonable in its attitude towards the tariff. The question of need or the difficulty of the tariff is a matter of fact, and I think the Board has been very reasonable in its attitude towards the tariff.

Subsequently, we have seen that the Board has been very reasonable in its attitude towards the tariff. And with various other factors which have been taken into account, the Board has been very reasonable in its attitude towards the tariff. In other words, we would say that the Board has been very reasonable in its attitude towards the tariff.

This would be done with a reasonable effort and a reasonable effort.



1 accept the ceiling we would guarantee the floor and if
2 necessary we would pay it out of the Government fund,
3 try to get authority to do so and make up the deficit by
4 increased rates next year. I do not think there is
5 anything filed on this but this was orally suggested on
6 more than one occasion to the pilots, pilotage groups.

7 For instance, in Halifax and Sydney and that
8 sort of thing they have expressed an interest in this
9 type of thing. The British Columbia and St. Lawrence
10 groups, which achieve a rather substantial income level,
11 were not at all receptive to these suggestions when put
12 forward.

13 COMMISSIONER RENWICK: On the other hand, I
14 am reading from a report that went to the Minister in
15 April 1961 from the British Columbia group on pilotage
16 on the British Columbia coast:

17 "The pilots reluctantly agreed to this
18 survey being carried out."

19 That is a survey with respect to their
20 earnings:

21 "In a memorandum to the Department of
22 Transport dated March 12, 1957, they
23 said:

24 'If this is properly calculated to
25 give the pilots a fair remuneration,
26 about \$12,000 a year, without exces-
27 sive hours of work and proper leave
28 time, then the pilots will be quite
29 satisfied.'

30 It is interesting to note that in that year



and the ceiling we would have had to pay for it
necessarily we would pay it out of the treasury fund
try to get authority to do so and not to the deficit by
increased rates next year. I do not think there is
anything filed on this and there are many questions
more than one occasion to one of the following years
for instance, the 1914 and 1915 years
sort of thing they have some questions
type of thing. The Bureau of the Treasury
Groups, which receive a rather small amount of
were not at all responsible to these groups
to be
to be
and reading from a report that was made in
April 1901 from the Bureau of the Treasury
The Public Health Service
to be
that is a survey will be made
to be
"In a survey made in 1901, the following
The report of the survey
will
"It is in proper to have
give the Public Health Service
about \$1,000 a year, which is
five cents of each year's
also, from the Public Health Service
it is necessary to have some to do with



1 in question the pilot's earnings were
2 \$13,829."

3 Eventually they repudiated the whole offer.

4 MR. BALDWIN: Yes, this is quite right, sir.

5 COMMISSIONER SMITH: Thank you, Mr. Chairman.

6 I think those are all of the questions I have to ask.

7 THE CHAIRMAN: Is there anything else, Mr.
8 Macdonald?

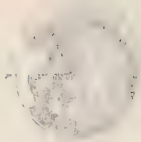
9 THE SECRETARY: No, sir. Perhaps just one
10 question here, only to complete my own understanding.
11 I would like confirmation of an understanding that I
12 have had regarding the administration of pilotage by the
13 Department of Transport, namely that in all cases where
14 the Minister is the pilotage authority, the administration
15 is done for and on behalf of the Minister.

16 MR. BALDWIN: This is correct, yes.

17 THE SECRETARY: So the person directly
18 responsible for the administration and operation of
19 pilotage in these various districts would be the Minister
20 as pilotage authority under the law?

21 MR. BALDWIN: Would this be any different,
22 Mr. Macgillivray, from the normal interpretation placed
23 upon the word "Minister" under the Interpretation Act?

24 MR. MACGILLIVRAY: There is a problem. We
25 have never had a formal ruling on this from the Depart-
26 ment of Justice but we are likely to be getting one very
27 shortly. The Deputy Minister of Justice feels that the
28 Minister is two different persons when he is pilotage
29 authority and Minister. This brings a point that I
30



11



1 would like to see considered if you had a revision of
2 Part VI, after this Commission is finished. Instead of
3 calling the Minister and so on, he shall be pilotage
4 authority in various districts, we could say that the
5 functions given to a pilotage authority were to be
6 carried out by the Minister of Transport. It is just a
7 slight change in wording but it immediately puts him in
8 as Minister rather than pilotage authority and the
9 Departmental authorities are acting in their normal
10 relationship.

11 THE SECRETARY: In any case, there is a very
12 clear distinction in the law because administration of
13 pilotage in the local commission district is the respon-
14 sibility of the Commission itself although it does have
15 to submit certain reports to the Minister.

16 MR. JACQUES: I had studied the situation
17 which Mr. Macgillivray outlined and I had come to the
18 same conclusion; that the Minister wears a different hat
19 in pilotage authority.

20 MR. BALDWIN: This could mean the position is
21 a little tenuous.

22 MR. MACGILLIVRAY: Yes, I think so.

23 MR. JACQUES: The position of the Department,
24 not that of the Minister.

25 THE SECRETARY: I might say that the purpose
26 of asking the question was to enable the Commission to
27 perhaps formulate an opinion as regards the propriety of
28 pilots individually or in groups going directly to the
29 Minister with complaints that they might have in
30



1 administration. My suggestion was, or would be, under
2 this set of circumstances that what they did at all
3 times when they were approaching the Minister as their
4 pilotage authority was perfectly in order.

5 COMMISSIONER SMITH: I would like to ask this
6 one question and I do not know whether it should be
7 answered or not: What the Department's view is with
8 regard to the reaction of the pilots on the proposal of
9 compulsory pilotage in comparison to compulsory payment
10 of dues.

11 MR. BALDWIN: I do not really know that I
12 can give a useful answer to that, sir. Alan, have you had
13 enough contact with them to know whether they have
14 expressed themselves?

15 MR. CUMYN: I have never heard them express
16 any views on this.

17 MR. BALDWIN: It might be useful to you to
18 know that when paragraph 6, paragraph 6a of the Shipping
19 Act was before Parliament those members of the Special
20 Committee that were discussing the situation, not on the
21 floor of the House, but in the sessional committee, those
22 members who familiarized themselves to the greatest
23 extent with pilotage were inclined to suggest, in their
24 discussion, that they felt that compulsory pilotage was
25 a better concept than compulsory dues.

26 THE CHAIRMAN: It all depends on what the
27 reason is. If it is security it should be compulsory.
28 Maybe they have a small vessel or perhaps it is the size
29 of the vessel but it is a question of security so wherever
30 there is a question of security it should be compulsory.



1 It is not a question of making jobs for persons, it is
2 safety of navigation for the shipping being piloted.

3 MR. BALDWIN: It is interesting to know that
4 this comment came from at least one individual from each
5 of the principal authorities, government, the Liberal
6 side and the then C.C.F.

7 COMMISSIONER SMITH: Is it fair to say that
8 the Department prefers or feels that it would be in the
9 best interests of shipping and all concerned to have all
10 pilots made civil servants?

11 MR. BALDWIN: No, not necessarily, sir. I
12 would say, rather, that the Department has felt that we
13 should be prepared to provide a basis of civil service
14 for any group which felt that this was in their interest
15 and was workable. We feel that this, in turn, would
16 create a basis which would offer greater stability. I
17 think I should go on to say that we do not feel this is
18 the only possible solution to the problem. This is one
19 solution that we should be prepared to offer. In any
20 case, it looked as though it would work reasonably.

21 COMMISSIONER SMITH: I do not know exactly
22 how to put this, Mr. Chairman, but perhaps I could say
23 it this way: would it interfere, in any way, with the
24 Departmental operation or outlook to have all the pilots
25 made civil servants?

26 MR. BALDWIN: It would create certain
27 problems of administration but I do not think they
28 would be necessarily greater than the type we have had
29 to deal with.

30 COMMISSIONER SMITH: Thank you.



1 THE CHAIRMAN: With regard to compulsory
2 payment, just an idea that comes to my mind, just a
3 layman's impression, but I think that when you make pay-
4 ment compulsory, only payment compulsory, it tends to
5 have the charge lowered because you do not need a pilot
6 all the time.

7 For instance, you do not need a pilot in
8 bright daylight; no wind, ideal circumstances, there are
9 quite a few things. One needs a pilot when you have a
10 storm or fog or it is at night; then the ships would
11 need pilots. If the pilot was compulsory the pilot
12 would be obliged to provide a pilot for each ship which
13 means a lot of persons, higher salaries to be paid, a
14 higher income to be paid out of the fees so, therefore,
15 the fees would have to be higher.

16 MR. BALDWIN: I am not sure this would be
17 the case. This depends on how you determine the fees
18 for the compulsory pilotage. I would think - I am
19 thinking out loud - I think it would be administratively
20 almost impossible to set up a system under which, if you
21 had fine weather, the man did not need a pilot but in
22 bad weather he did; I think you have to determine it on
23 the basis of the area or the waters concerned.

24 THE CHAIRMAN: In practice I suppose when
25 they pay for a pilot they take one?

26 MR. BALDWIN: In most cases they do. If
27 they have to pay for a pilot they do.

28 THE CHAIRMAN: Why take the responsibility?

29 MR. JACQUES: Do you think if pilotage is
30 made compulsory throughout the district there would be a

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and on that last corner to the right.

My own impression, but I think I should say that I

most emphatically, only payment of the

have the charge located between the

all the time.

For it seems that the

bridge design; no other

quite a few things. The

system of road or it is

need little. In the

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1 necessary increase in the amount of time?

2 MR. BALDWIN: It would depend on whether you
3 wanted some reasonable exemptions on the basis of
4 Masters who were extremely familiar with the waters,
5 working in them all the time. If you had what I would
6 consider to be a reasonable basis of exemptions, I think
7 any reasonable basis of exemptions would probably work
8 primarily to the benefit of the Canadian registered
9 boat owner because he is the man in the water most often.
10 I don't think there would be any material change in the
11 number of pilots.

12 MR. JACQUES: What are your views on the
13 present system of exemptions? Do you think it is logical?

14 MR. BALDWIN: No, it is highly illogical,
15 quite frankly. That is a personal opinion. Highly
16 illogical that the boat should be exempted because of
17 the flag it flies and not because of the Master on board.

18 THE CHAIRMAN: Yes.

19 COMMISSIONER RENWICK: There has come to my
20 knowledge an incident in British Columbia, international
21 waters on the Pacific Coast, a foreign ship was moving
22 from a U.S. port to a B.C. port, and, of course, had to
23 have two pilots on board. These two pilots got into a
24 very argumentative state as to which route they should
25 take, which entailed more mileage. The American wanted
26 to go this way, Bellingham, the Fraser River, New West-
27 minster, and the Canadian pilot taking over a few miles
28 inside Bellingham wanted to go on Belshi Ledge which
29 was going to triple his mileage, and the Master, who was
30 quite familiar with the waters, said, "I will take the

heavy income in the amount of \$100,000

MR. BARNETT: I would report, however, that

wanted some reasonable explanation as to why

working in them all the time, and that

consider to be a reasonable basis of comparison, and

any reasonable basis of comparison, and

primarily to the benefit of the company

most cases, because as to the fact that

I don't think there would be any

number of cases

in the case of the company

present writer of cases, and

MR. BARNETT: I would report, however, that

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1 ship." He is paying compulsory pilotage, you see, pay-
2 ment of dues, but there is a question there, a dispute
3 in international waters.

4 MR. CUMYN: I understand that there is a
5 possibility, a desire on the part of the Americans to
6 institute the same type of pilotage in the Puget Sound,
7 as presently exists in the Great Lakes.

8 MR. BALDWIN: I didn't know that. A joint
9 arrangement; I see.

10 MR. CUMYN: This might explain that, the
11 U.S. pilots abandoning the old agreement they had whereby
12 they left the ship at Limehill and the Canadian pilot
13 took over.

14 THE SECRETARY: This also, I would presume,
15 Mr. Chairman, would raise the question of the status of
16 the pilot as between the situation where we have a
17 compulsory payment of pilotage as opposed to a situation
18 where pilotage itself was compulsory.

19 THE CHAIRMAN: You mean ---?

20 THE SECRETARY: In the latter case of compul-
21 sory pilotage, the pilot becomes a compulsory pilot and
22 quite clearly in law in charge of navigation.

23 THE CHAIRMAN: You are thinking of a question
24 of responsibility?

25 THE SECRETARY: This was so, whereas in the
26 case of compulsory payment of pilotage dues it would
27 appear on the legal aspect the pilot would be more in
28 the nature of an advisor to the Master.

29 MR. MACGILLIVRAY: This raises an interesting
30 point of law that I think the Commission might like to



1 have a look at, because in the Canada Shipping Act it is
2 clearly stated in the definition of a pilot that he is a
3 person who is not part of the ship's complement who has
4 conduct of the ship, and so that seems to contemplate
5 that when he is conning the ship, he has its conduct
6 himself, and he is not a mere advisor and it is a place
7 that leads - it is an area of doubt.

8 The ordinary custom is to consider him as
9 an advisor, but I think the Act in its words describes
10 it as something quite beyond that. It is a thing that
11 would be useful to have, this concept clear, so that the
12 Act - if the Act needs amendment to be brought in line
13 with what is considered his position we could recommend
14 such a thing.

15 MR. STEAD: It seems quite significant when
16 one gets into the disciplinary aspects of this thing,
17 there is a tendency to regard the pilots responsible
18 because of the definition of the Act, whereas custom of
19 the sea regards him as an advisor leaving a Master
20 responsible.

21 COMMISSIONER SMITH: Doesn't it get back to
22 the principle that the Master is always in charge and
23 responsible for his ship?

24 MR. BALDWIN: An old tradition.

25 MR. STEAD: If there is a collision the
26 punishment may be meted out to the pilot in the law.

27 MR. MACGILLIVRAY: These days, in the case
28 of a collision, the shipowner is liable whether it was
29 the pilot or the Master. The only real place where it
30 becomes a matter of concern to the Department, whether

have a look at, because in the same way it is
clearly stated in the testimony of a pilot that he is a
person who is not part of the ship's complement, he is
conductor of the ship, and he is not a member of the
crew, but he is conducting the ship, he is the one who
himself, and he is not a mere passenger, he is the one
who leads - it is an act of leadership.

The leading action is, of course, that of
an advisor, but I think the act is not only that of
it is an act of leadership, and it is not only that of
would be useful to know, the fact is that the act is
not only that the act needs something to be done, but
with what is considered as, with what is considered as
then a thing.

MR. L. G. L. I am not quite sure if I am
not going into the details, but I think it is a thing
there is a tendency to regard the pilot as a thing
because of the definition of the act, which is a thing
the act is regarded as a thing, and it is a thing
responsible.

MR. L. G. L. I am not quite sure if I am
the principle that the act is a thing, and it is a thing
responsible for the act.

MR. L. G. L. I am not quite sure if I am
MR. L. G. L. I am not quite sure if I am
position may be based on the fact that the act is a thing
MR. L. G. L. I am not quite sure if I am
of a collision, the act is a thing, and it is a thing
the pilot or the master. The only one who is
become a matter of concern to the master, and it is



1 it is the responsibility of the certificated pilot whose
2 certificate or license may be in jeopardy.

3 THE CHAIRMAN: Suspended or...

4 MR. MACGILLIVRAY: Yes.

5 THE SECRETARY: It might also be interesting
6 to note in the case of pilotage on the Great Lakes which
7 was covered by a further provision in the Shipping Act,
8 Part VIA, there is no provision that makes the Master
9 still responsible.

10 THE CHAIRMAN: Basically he is.

11 THE SECRETARY: But in the Act there is no
12 provision in Part VIA that says, as in Part VI, that the
13 Master, notwithstanding that he has a pilot on board,
14 retains the responsibility.

15 MR. BALDWIN: That is in Part VI.

16 MR. MACGILLIVRAY: It is in Part VI. It is
17 probably redundant in Part VI. When Part VIA was brought
18 forward this point, apparently, was not considered, and
19 so we are left with a legal question there of whether
20 in a case of collision while the ship is under compulsory
21 pilotage in the Great Lakes the shipowner might raise
22 the definition of compulsory pilotage and so avoid a
23 liability. I know the Marine Law section of the Canadian
24 Bar Association is quite likely to come forward next year
25 with a recommendation that we do what the British did in
26 1913 and put in a section removing the defence of compul-
27 sory pilotage.

28 THE CHAIRMAN: The Canadian Bar Association
29 is looking into the matter right now?

30 MR. MACGILLIVRAY: I understand informally,
but they are.

THE CHAIRMAN: We might inquire from them



1 what they have in mind and what work they have done on that.

2 THE SECRETARY: I will, sir. The remarks by
3 Mr. Macgillivray seem to be supported by the fact that
4 the Shipping Institute when they heard of the appointment
5 of this Royal Commission were somewhat reluctant to have
6 a Commission look into the situation of the Great Lakes,
7 in order not to disturb the local arrangements that are
8 now in existence. In other words, they seemed to feel
9 although they didn't say that much, at least I understood
10 from their reluctance to have this situation looked into
11 that they have, in fact, a protection in law now, whereas
12 they didn't have it in Part VI, namely compulsory
13 pilotage, as a defence.

14 THE CHAIRMAN: If there is some uncertainty
15 there it is a good defence.

16 MR. STEAD: Surely if the compulsory pilotage
17 as a defence is excluded this necessarily turns the pilot
18 into an advisor because the main responsibility reverts
19 back to where the custom had it, namely, the Master.

20 MR. MACGILLIVRAY: Not necessarily advisor,
21 but certainly into the category of employee and employer
22 whether he supercedes the Master, I think Part VII
23 requires that he be given charge of the vessel which
24 means, in my view, the Master cannot take it out of his
25 charge except in the most unusual circumstances.

26 MR. JACQUES: We come back to the position
27 which existed in 1911 in England, exactly the same thing.

28 THE CHAIRMAN: Any questions, Mr. Jacques?

29 MR. JACQUES: No, sir. I would like to meet
30 Mr. Macgillivray after.



1 THE CHAIRMAN: We read over the brief when
2 submitted and it is quite helpful, the introduction and
3 the analysis of the law, and also the information you
4 gave us for the two first places we are going. It is
5 very helpful. We will be expecting it for the next
6 places, for British Columbia and so on. We have this
7 right at the tip of our fingers, and it is very easy to
8 consult all this information.

9 COMMISSIONER RENWICK: I subscribe fully to
10 that statement.

11 MR. BALDWIN: Thank you very much. This has
12 been very helpful, and we will be available at any time
13 on this basis that you would like to meet further.

14 THE SECRETARY: Do I understand, Mr. Chairman,
15 that the other Departmental officials, namely, Mr.
16 Cumyn, Mr. Stead and Mr. Macgillivray will, in the
17 course of the day, be available to provide any briefing
18 you have in mind?

19 THE CHAIRMAN: If there is anything else.
20 I don't know.

21 THE SECRETARY: I thought you might like to
22 have the general background information, a verbal
23 summary of the write-up that has been submitted.

24 MR. BALDWIN: We don't need to go over that
25 unless there are some questions involved.

26 THE CHAIRMAN: Apparently everyone is satis-
27 fied.

28 THE SECRETARY: There is likely to be one
29 question asked during the course of this, namely, why
30 certain pilotage districts were not made districts



1 responsible under the Minister. New Westminster is an
2 example. Why was this retained as a local commission
3 district when the length and breadth of B.C. is a
4 district?

5 MR. CUMYN: That is the Minister's decision.

6 MR. STEAD: When did this come up?

7 MR. BALDWIN: That is right. This was under
8 the previous Minister. I think the answer is the New
9 Westminster troubles were beginning to arise over the
10 horizon, and then the Minister said, "I don't want any
11 more." It is as simple as that. The other cases were
12 earlier, based in tradition, and usually, I think, rela-
13 tively small places you wouldn't bring under the Minister's
14 pilotage survey. I had forgotten on New Westminster I
15 was the one that took it to the Minister. He said, "If
16 this is going to give me the headaches I have in the
17 other points..."

18 THE CHAIRMAN: Is this Mr. Hees or Mr. Balcer?

19 MR. BALDWIN: Mr. Hees.

20 THE SECRETARY: It might also be interesting
21 to know what was the policy behind the position of
22 pilotage services in the Goose Bay-Labrador area, the
23 Financial Administration Act. Why wasn't this made a
24 district under the Shipping Act?

25 MR. BALDWIN: That is because it is so small
26 and so seasonal, a very limited operation, very short
27 time in the year. Someone has to go in specially. I
28 think we did not believe we had reached the size and
29 scale where it merited establishment on the normal
30 pilotage basis.

responsible under the Minister. New Westminster is an
example. Why was this retained as a local commission
district when the length and breadth of B.C. is a

MR. CUMYNN: That is the Minister's decision.

MR. STEAD: When did this come up?

MR. BALDWIN: That is right. This was under

the previous Minister. I think the answer is the New

horizon, and then the Minister said, "I don't want any

more." It is as simple as that. The other cases were

earlier, based in tradition, and usually, I think, rela-

to pilotage survey. I had forgotten on New Westminster I

was the one that took it to the Minister. He said, "It

this is going to give me the headaches I have in the

other points..."

THE CHAIRMAN: Is this Mr. Hees or Mr. Balcer?

MR. BALDWIN: Mr. Hees.

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time in the year. Someone has to go in specially. I

think we did not believe we had reached the size and

scale where it merited establishment on the normal

pilotage basis.



1 THE SECRETARY: Could one derive from this
2 the view it was, from a policy point of view, to have
3 the same arrangement wherever there is a small local
4 pilotage requirement? We note that a large number of
5 the local commission districts are very small also, but
6 they are operated under the Canada Shipping Act.

7 MR. STEAD: Goose Bay is almost a military
8 operation. There is no local community or local harbour
9 as such of any significance.

10 THE CHAIRMAN: No industry there. That
11 brings another question: why pilotage organizations in
12 places like Toronto, Sept Iles, are not under the Act,
13 but just up to companies to look after? In Montreal you
14 have the harbour pilots but not in Toronto and Sept Iles.

15 MR. BALDWIN: I am not sure about Sept Iles,
16 Port Cartier. Toronto, Hamilton, has been discussed,
17 whether it should be brought under the Act. I think
18 twice in the last couple of years the manager of the
19 Toronto Harbour Commission has discussed it. We have
20 considered whether we should make a change or leave it.
21 I think the last time we discussed it we felt we had
22 better leave it for the moment unless it got out of hand,
23 until the Royal Commission reported. Mr. Cumyn could
24 give more information on it because he has been into it
25 deeply in Toronto.

26 MR. CUMYN: The Toronto harbour, with the
27 Canadian water of the Great Lakes, forms part of the
28 Great Lakes basin, which comes under joint American and
29 Canadian pilotage. Under our arrangement with the
30 Americans it is subject to these arrangements with

THE SECRETARY: Could one derive from this

the view it was, from a policy point of view, to have

the same arrangement whenever there is a small local

photocopy requirements? We have that a large number of

the local commission of electricity are very small in size, but

they are operated under the Canada Electricity Act

MR. BROWN: Goose Bay is almost a completely

operation. There is no local community or local harbour

as such of any significance

THE CHAIRMAN: Mr. Brown, please, first

bring another question: why photostatic copies are not

pieces like Toronto, but they are not under the same

but just up to companies to look after it, and they can

have the harbour pieces but not in Toronto and they can

MR. BROWN: I am not sure if it is the same

For example, Toronto, Hamilton, and other cities

whether it should be brought under the same Act or not

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Toronto Harbour Commission has discussed it. We have

considered whether we should make a change in the Act

I think the last time we discussed it we felt we had

sector leave it for the moment, unless it was of some

until the Royal Commission reported. Mr. Brown, would

give more information on it because we have not had

deeply in Toronto.

MR. CUMYING: The Toronto Harbour, with the

Canadian water of the Great Lakes, forms part of the

Canadian photostatic. Under our arrangement with the

it is in subject to these arrangements with



1 respect to pilotage we have with the Americans and which
2 involve a joint sharing of pilotage.

3 MR. BALDWIN: I think what the Chairman is
4 referring to is the situation, for example, in Toronto
5 and Hamilton where they have provided local pilotage
6 services.

7 MR. CUMYN: This is in respect to ships that
8 don't operate under the joint Canadian-American agreement.

9 THE SECRETARY: On that, Mr. Chairman, I
10 will read paragraph 12 on page 14 of the Departmental
11 memorandum which reads:

12 "It may be noted that there are in existence
13 ports where facilities are operated by one
14 company and where the pilots are employees
15 of that company. It is interesting that
16 Baie Comeau and Sept Iles are cases in
17 point. Pilotage into and out of these
18 ports appears to be operated satisfactorily
19 through the creation of a pilotage district
20 or the issuance of licences to pilots."

21 THE CHAIRMAN: Is that desirable?

22 THE SECRETARY: Has that been desirable from
23 the Department's point of view?

24 MR. BALDWIN: The issue has really never
25 arisen as far as we are concerned. They seem to be
26 working it satisfactorily. No troubles seem to have
27 arisen.

28 THE CHAIRMAN: You are waiting until the
29 question arises through the interested parties. If they
30 complained the question would be looked at?



1 MR. BALDWIN: Yes, I would say in a very
2 small regional area the local scheme has come into
3 existence and works satisfactorily. We haven't attempted
4 to interfere on that.

5 THE CHAIRMAN: You have never...

6 MR. STEAD: An extreme case is Port Cartier
7 where no other ships go in there except coasters them-
8 selves, inbound supplies, food and so forth and ships
9 under the control of the owner of the harbour, in this
10 case the Navican Company. Is that right, Alan?

11 MR. CUMYN: That is right.

12 MR. STEAD: By inserting the Department in
13 the middle of what was otherwise entirely a private
14 enterprise with one company...

15 THE CHAIRMAN: It is a private harbour?

16 MR. STEAD: They own it. They built it,
17 dug it out of the solid Laurentians. It is not a natural
18 harbour.

19 MR. JACQUES: Are there any ports who handle
20 their own pilotage set-up?

21 MR. BALDWIN: At the lakehead...

22 MR. CUMYN: I am told that is abandoned.

23 MR. BALDWIN: And didn't come back in.
24 It is on and off at the lakehead.

25 MR. JACQUES: Toronto and Hamilton have got
26 organizations of their own with statutes and rules and
27 regulations.

28 MR. BALDWIN: It is a service there for use
29 by ships which need a harbour pilot anyway and who don't
30 have on board a man with the degree of competence that



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small regional area the local scheme has come into

existence and works satisfactorily. We haven't attempted

to interfere on that.

THE CHAIRMAN: You have never...

MR. STEAD: An extreme case is Port Carter

where no other ships go in there except coasters them-

selves, inbound supplies, food and so forth and ships

under the control of the owner of the harbour, in this

case the Western Company. Is that right, Alan?

MR. CUNYIN: That is right.

MR. STEAD: By inserting the Department in

the middle of what was otherwise entirely a private

enterprise with one company...

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by ships which need a harbour pilot anyway and who don't

have on board a man with the degree of competence that



1 has come in from Welland.

2 MR. MACGILLIVRAY: I think the only reference
3 to that in any of the legislation is an entry in the
4 Toronto Harbour Bylaw, and in Hamilton, saying when
5 pilotage service is provided by the Commissioners the
6 authority will pay so much. That is all. There is no
7 need to have all the rules and such that we have in the
8 Shipping Act because it is such a local and private thing.
9 They are simply providing it as a service much in the
10 same way they might provide tugboats.

11 MR. STEAD: Do you know if they are
12 employees of the Commission?

13 MR. CUMYN: Yes.

14 MR. BALDWIN: Salaried employees of the
15 Commission.

16 MR. JACQUES: I am reading page 18 of the
17 memorandum, the following paragraph:

18 "The Department of External Affairs has
19 expressed concern because Section 346
20 grants to British vessels a privilege
21 not accorded to ships of other flags
22 such a discrimination being a viola-
23 tion of certain ancient treaties with
24 other nations."

25 Do you have these treaties available?

26 MR. BALDWIN: This was raised by External
27 Affairs many years ago when we raised with Parliament
28 the possibility of changing this legislation. At that
29 time because of the objections from certain pilotage
30 groups, the idea was dropped. The treaties had, in fact,



1 been discussed in 1956 or 1958 I think in 1958 it was
2 discussed in the House.

3 MR. MACGILLIVRAY: I could get those.

4 COMMISSIONER SMITH: Were these treaties
5 referring to most favoured nations?

6 MR. STEAD: Treaties on trade and commerce -
7 there must be about 18 or 20 of them. They are not all
8 so ancient.

9 MR. JACQUES: That is why I asked the
10 question.

11 MR. BALDWIN: Some are late 1800's and some
12 the early 19th Century.

13 COMMISSIONER SMITH: Mr. Chairman, I would
14 like to ask: some reference is made here to the harbours
15 of Toronto and Hamilton and it was said that any change,
16 as I understand it, any change in the operations there
17 would have to be in consultation with the United States
18 authorities?

19 MR. CUMYN: That is right.

20 COMMISSIONER SMITH: Even though they are
21 both in total Canadian waters?

22 MR. BALDWIN: This is because of the joint
23 arrangement we have.

24 MR. CUMYN: This also applies to Chicago and
25 United States harbours.

26 COMMISSIONER SMITH: So we are in a position
27 where we cannot do anything without their consent?

28 MR. BALDWIN: Yes. I think we have to work
29 with them. It has been to our advantage to do so
30 because in return we have the right to have some



1 expression on things they do in Chicago and Duluth.

2 COMMISSIONER SMITH: That is a fair
3 exchange.

4 THE SECRETARY: May I ask you one more
5 question in connection with amendments made to the
6 Canada Shipping Act regarding pilotage in Newfoundland
7 in the 1952-1953 Statutes?

8 MR. MACGILLIVRAY: This was a correction of
9 an error.

10 THE SECRETARY: No, it was inserted in the
11 Canada Shipping Act, Chapter 20, Section 12. It reads
12 as follows:

13 "Section 21 and Part VI of the said Act
14 shall come into force in the Province
15 of Newfoundland on a day to be fixed
16 by proclamation of the Governor in
17 Council, and until a day is so fixed
18 the laws in force in Newfoundland at
19 the date of Union between Newfoundland
20 and Canada relating to the same subject
21 matter shall continue in force."

22 MR. MACGILLIVRAY: There is a rather involved
23 explanation of this section. It was to correct an error.
24 The terms of Union with Newfoundland provided the laws
25 of Newfoundland would continue in force until Canadian
26 laws were proclaimed. At various times there were
27 several proclamations of various items of Canadian legis-
28 lation in Newfoundland and then finally, in 1951 or in
29 1952, rather, the Department of Justice, without consulting
30 us got a blanket proclamation of all the remaining

COMMISSIONER SMITH That is a fair

explanation.

THE SECRETARY: May I ask you one more

question in connection with amendments made to the

Canada Shipping Act regarding pilotage in Newfoundland?

in the 1954-55 Session?

MR. MACGILLIVRAY: There was a correction of

an error.

THE SECRETARY: No, it was included in the

Canada Shipping Act, Chapter 20, Section 12. It reads

as follows:

Section 12. Any pilot of the said ship

shall come into force in the pilotage

of Newfoundland on a day to be fixed

by proclamation of the Governor in

Council, and until a day so fixed

the laws in force in Newfoundland in

the date of union between Newfoundland

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1955, rather, the Department of Justice, without consulting

us got a blanket proclamation of all the remaining



1 Canadian statutes with certain exceptions. They forgot
2 to make an exception of Part VI of the Canada Shipping
3 Act and at that time it came into force in Newfoundland.
4 We weren't ready to have it in force, so because you
5 can't revoke a proclamation they had to take this action
6 in order to see that the old statutes did remain in force.
7 This was just a return to the status quo ante.

8 THE SECRETARY: The question here, then, is
9 as to why Part VI of the Canada Shipping Act has not yet
10 been proclaimed in force in Newfoundland. In other
11 words, what have been the nature of the problems which
12 have prevented the Government from proclaiming them?

13 MR. CUMYN: Exemptions for shipping boats.

14 MR. BALDWIN: The requirements didn't fit in
15 with the provisions of the Act regarding exemptions.
16 We had a local situation that didn't harmonize with the
17 formed Canadian law and until that could be straightened
18 out...

19 THE SECRETARY: It raised a problem of
20 exemptions?

21 MR. BALDWIN: This was one problem.

22 MR. MACGILLIVRAY: Portugese fishing
23 vessels.

24 THE SECRETARY: In any event, it is still in
25 force and they have, to all intents and purposes, become
26 pro tem.

27 MR. MACGILLIVRAY: They are part of the law
28 of Canada, administered by this Department.

29 COMMISSIONER RENWICK: Should we be involved
30



1 Canadian statutes with certain exceptions. They forgot
2 to make an exception of Part VI of the Canada Shipping
3 Act and that is one of the things that was not
4 done. I can't recall a proclamation they had to take this action
5 in order to see that the old statutes did remain in force.
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12 MR. CURRY: Exemptions for shipping boats.
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23 of Canada, administered by this Department.

24 COMMISSIONER REMICK: Should we be involved



1 in that, Mr. Chairman?

2 MR. BALDWIN: If you have a hearing in St.
3 John's it is a straight issue. Pilots there can't
4 survive without the Portuguese fishing vessels to live
5 on. Under the present compulsory dues system if we
6 brought in the normal Canadian pattern, you would place
7 an exemption on fishing vessels.

8 THE CHAIRMAN: This is part of the facts
9 that we have to regard.

10 THE SECRETARY: Recommendation was made and
11 the Government had intended to put an amendment to the
12 Act to provide for these exemptions by Order-in-Council on
13 the basis of competency rather than nationality.

14 MR. BALDWIN: It was, on our part, an effort
15 to get the Pilotage Act changed. It was withdrawn.

16 MR. MACGILLIVRAY: You run into trouble
17 with your Most Favoured Nations treaty if you try to
18 treat the Portuguese less favourably than Canadians.

19 MR. BALDWIN: So much of it goes back to the
20 concept of compulsory pilotage, in effect.

21 THE CHAIRMAN: Thank you very much.

22 ---Short Recess
23

24 THE SECRETARY: I would invite Captain
25 Seeley to give a brief rundown of the pilotage administra-
26 tion in Canada from the East Coast proceeding westward
27 indicating where the districts are located, the distinc-
28 tion between districts where the Minister has the
29 pilotage authority and the districts where the pilotage
30 is administered by local commissions; briefly outline

in fact, Mr. Chairman?

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to get the Pilotage Act changed. It was withdrawn.

MR. MACILLIVRAY: You run into trouble

with your Most Favoured Nations treaty if you try to

change the Pilotage Act in this way.

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concept of compulsory pilotage, in effect.

THE CHAIRMAN: Thank you very much.

THE SECRETARY: I would invite Captain

to give a brief rundown of the pilotage administra-

tion in Canada from the East Coast proceeding westward

indicating where the districts are located, the distinc-

tion between districts where the Minister has the

pilotage authority and the districts where the pilotage

is administered by local commissions; briefly outline



1 some of the problems as he proceeds to describe the
2 situation in each district, and, perhaps, we might take
3 the opportunity to ask questions for purposes of elucida-
4 tion as he proceeds in the course of his description of
5 the situation across Canada.

6 THE CHAIRMAN: That is fine.

7 CAPT. SEELEY: That sounds as though I will
8 be here for some time. Probably the best way to start
9 would be to start with Sydney, the district of Sydney,
10 as you probably know...

11 THE SECRETARY: I wonder if you could stand
12 by the map and be nearer the Commissioners.

13 CAPT. SEELEY: The district of Sydney, Nova
14 Scotia, of course, you know where it is. This is an
15 administration district. It just takes in the harbour
16 of Sydney, which includes North Sydney. The problem
17 there at the present time, I would say, is the fact that
18 we have too many pilots for the amount of shipping
19 involved. This is one of the main problems. We have
20 two pilot boats there which the Department operates.

21 COMMISSIONER SMITH: Do you mind me inter-
22 rupting you just on that point?

23 CAPT. SEELEY: Not at all.

24 COMMISSIONER SMITH: The question was raised
25 this morning and I understood that all the pilotage in
26 North Sydney, pilotage offices in North Sydney and the
27 man in charge, the superintendent or whatever you call
28 him, is in North Sydney?

29 CAPT. SEELEY: That is true.

30 COMMISSIONER SMITH: And that is a pivotal



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CAPT. SEELY: The district of Sydney, have

located, of course, you know where it is. This is an

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whether you had on that point?

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this morning and I understood that all the pilotage in

North Sydney, pilotage offices in North Sydney and the

man in charge, the superintendent or whatever you call

him, is in North Sydney?

CAPT. SEELY: That is true.



1 point so far as pilotage is concerned in that district?

2 CAPT. SEELEY: That is true, yes. There is
3 a pilot station in North Sydney. The pilots there
4 actually break down into two watches. They stand one
5 week on and one week off. They do their own dispatching
6 and they live right in this pilotage building. This is
7 the old navy building that has been in use since the war;
8 I think around 1948 we started using it as a pilot
9 station. The pilot boats are tied up at the wharf right
10 near the station.

11 THE CHAIRMAN: Can you tell us why there is
12 this situation that there are too many pilots? How did
13 it build up that way?

14 CAPT. SEELEY: Probably it is something to
15 do with political science as well. It is mostly a
16 matter of the coal business. As you know the coal
17 business has dropped off tremendously and about the only
18 thing in Sydney is the coal business, and this is the
19 main reason for the fall-off.

20 COMMISSIONER SMITH: Are they still down at
21 Sydney South?

22 MR. JACQUES: Do the pilots still have an
23 office?

24 CAPT. SEELEY: No, that has been abandoned.
25 They did have at one time, but that has been terminated.
26 They don't use it at all.

27 MR. JACQUES: So ships going out are boarded
28 from the pilot boat that leaves North Sydney from the
29 pier?

30 CAPT. SEELEY: Yes. Of course, the pilot



1 boat takes them over to Sydney if there is a job to be
2 done, and it quite often follows the ship in. If that
3 is the only ship there they follow the ship in and go
4 right over, and after the ship is tied up they go
5 back to the pilot station.

6 THE CHAIRMAN: Up until recently, five or
7 six years ago, these pilots were necessary on account of
8 coal boats coming in and out?

9 CAPT. SEELEY: That is right.

10 THE CHAIRMAN: It is the closing of these
11 mines, the fact there is no particular need for the
12 transportation of coal?

13 CAPT. SEELEY: This is probably the biggest
14 factor in the fall-off in shipping in Sydney.

15 COMMISSIONER RENWICK: If there is a vacancy
16 by virtue of retirement are these pilots replaced,
17 numerically?

18 CAPT. SEELEY: We have only had one retire-
19 ment, to my knowledge, since the war. The number of
20 pilots after the war was 14 and they are now down to 13.
21 We have only had one.

22 MR. JACQUES: Do they work elsewhere? Do
23 the pilots work elsewhere?

24 CAPT. SEELEY: No.

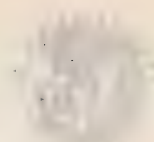
25 MR. JACQUES: They are strictly full-time
26 pilots?

27 CAPT. SEELEY: That is right.

28 THE CHAIRMAN: How are they paid?

29 CAPT. SEELEY: Earnings of the district.

30 THE CHAIRMAN: Earnings of the district.



right over, and after the ship is tied up only go
back to the pilot station.

THE CHAIRMAN: Up until recently, five or
six years ago, these pilots were necessary on account of
coal boats coming in and out?

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transportation of coal.

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factor in the fall-out in shipping in Sydney.

COMMISSIONER ARMITAGE: It seems to be a factor.

by virtue of retirement are these pilots required.

CAPT. SHERLEY: We have only had one notice-

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pilots since the war was 14 and they are now down to 13.

We have only had one.

MR. JACKSON: Do they work elsewhere? Do

the pilots work elsewhere?

CAPT. SHERLEY: No.

MR. JACKSON: They are actually full time

CAPT. SHERLEY: That is right.

THE CHAIRMAN: How are they paid?

CAPT. SHERLEY: Payment of the district.

amounts of the district.



1 CAPT. SEELEY: They share equally in the
2 earnings involved.

3 THE CHAIRMAN: The earnings, I suppose, are
4 pretty small?

5 CAPT. SEELEY: Not really. I don't know
6 whether you people have looked over some of the corres-
7 pondence on the Sydney district, but we have an anomaly
8 there in that you have the C.N.R. ferries paying pilotage
9 fees, and this accounts for something in the order of 40%
10 of the total pilotage revenue.

11 THE CHAIRMAN: Before, when the coal industry
12 was in full swing, I suppose this 40% would have been
13 something like 5% at the time?

14 CAPT. SEELEY: It was 40% when it came into
15 being, I think; 1951.

16 THE CHAIRMAN: It replaced it?

17 CAPT. SEELEY: It was brought in at that
18 time, yes. The traffic has been decreasing steadily
19 since the war.

20 COMMISSIONER RENWICK: Was it brought in
21 purposely to subsidize the pilot fees, do you suppose,
22 from a political angle?

23 CAPT. SEELEY: I would be guessing, but I
24 would say yes. Is there anything else on Sydney?

25 MR. JACQUES: Does the C.N.R. pay full fees?

26 CAPT. SEELEY: One-half fees.

27 MR. JACQUES: One-half fees?

28 CAPT. SEELEY: One-half fees.

29 MR. JACQUES: Is there still an agreement in
30 existence with the Dominion Coal in regard to pilotage



1 dues? They used to have a rebate on their ships.

2 CAPT. SEELEY: I really can't answer the
3 question. I will look it up. I will have to check on
4 it, but I don't believe so.

5 COMMISSIONER SMITH: They never used a pilot,
6 did they, the Carson?

7 CAPT. SEELEY: No.

8 THE SECRETARY: I take it from what you say,
9 Captain Seeley, although the C.N.R. pays half of the
10 pilotage, does they never used a pilot?

11 CAPT. SEELEY: That is right.

12 THE SECRETARY: The ferry goes from Sydney
13 to Port aux Basques.

14 CAPT. SEELEY: The ferry goes from Sydney
15 to Port aux Basques.

16 THE SECRETARY: What is the situation in Port
17 aux Basques with respect to the use of pilots by the
18 C.N.R. ferry; do they use a pilot?

19 CAPT. SEELEY: The C.N.R. ferry, Carson,
20 doesn't use one, but she pays pilotage fees there.

21 THE SECRETARY: And the pilots' fee is paid
22 by the C.N.R. or the ferry Carson. What does this
23 represent percentage-wise in the earnings of the district
24 in Port aux Basques?

25 CAPT. SEELEY: I would be guessing only. I
26 could look it up. We do have a fairly good idea of the
27 percentage and I would say 75 or 80% of the pilotage
28 earnings in Port aux Basques come from the C.N.R. ferries.

29 THE CHAIRMAN: Same thing there?

30 CAPT. SEELEY: Worse there, Port aux Basques.



1 THE CHAIRMAN: We would like to have you go
2 to Charlottetown and Saint John as those are the two places
3 we are due to meet first.

4 CAPT. SEELEY: You don't want me to cover
5 Bras d'Or? I would like to cover Bras d'Or as it ties
6 in with North Sydney.

7 THE CHAIRMAN: Good.

8 CAPT. SEELEY: The pilotage district Bras
9 d'Or takes in the Bras d'Or Lights and part of the
10 County of Richmond as far as Point Tupper. For some
11 years there has been quite a bit of shipping into the
12 Bras d'Or Lakes, most of these to pick up pulp wood.
13 There is a gypsum plant there, but I don't think it is
14 operating to any great extent. There has been a change
15 in that district.

16 COMMISSIONER SMITH: How do they get in there?

17 CAPT. SEELEY: They come in here from here
18 (indicating).

19 COMMISSIONER SMITH: Do they go through
20 Sydney harbour?

21 CAPT. SEELEY: No, they go through Bras d'Or
22 Cut, I think it is called, Bras d'Or Cut, and they can
23 also get down in around this end (indicating).

24 THE SECRETARY: Which is the first you said?

25 CAPT. SEELEY: They go in from the north
26 end; this is where all the big shipping goes in, through
27 the Bras d'Or Narrows. There is the St. Peter's Canal
28 at the southern end, but only small...

29 COMMISSIONER SMITH: Nine foot?

30 CAPT. SEELEY: I think it is a little more.



1 At the present time they have opened up a new pulp plant
2 in the Gut of Canso which is just by Point Tupper. There
3 is also a new oil dock there, B.A. oil. The industry
4 from the Bras d'Or Lake area seems to be moving down into
5 the southern portion of the island of Cape Breton. For
6 that reason most of the shipping now seems to be in the
7 Gut of Canso and less and less in the Bras d'Or Lakes
8 because now they are bringing most of this pulp wood
9 down to the plant down here (indicating). I
10 think the problem that you will run into in the Bras
11 d'Or district is perhaps a change in the area, a change
12 in the extent of the district because at the present
13 time the district doesn't take in the lock going through
14 to Caws Lake.

15 COMMISSIONER SMITH: Any complaints there
16 about the number of pilots or lack of sufficient pilots?

17 CAPT. SEELEY: No, I think there are suffi-
18 cient pilots except they have been working out of the
19 north end of the district and they are going to have to
20 change their method of operation.

21 COMMISSIONER RENWICK: How far would it be
22 from the north to the south portion?

23 CAPT. SEELEY: About 90 miles.

24 COMMISSIONER RENWICK: 90 miles?

25 CAPT. SEELEY: Yes.

26 MR. JACQUES: Do they ever have a request
27 for pilots for the causeway, for the Gut of Canso?

28 CAPT. SEELEY: Oh, yes, the ships direct
29 requests to canal Master, block Master at the canal, and
30 he in turn contacts the pilot either directly or the



1 office in North Sydney for a pilot.

2 MR. JACQUES: They send a pilot down?

3 CAPT. SEELEY: Yes.

4 COMMISSIONER SMITH: How come this Bras d'Or
5 district is operated from North Sydney? Why not some-
6 where else in the district itself?

7 CAPT. SEELEY: Well, you see, up until very
8 recently, the last two or three years, most of the
9 operations have been right up close to North Sydney. It
10 was only ten, fifteen miles.

11 COMMISSIONER SMITH: Since the mill
12 started on the straits...

13 CAPT. SEELEY: It might be this should be a
14 separate district. I don't know. It is something you
15 people will be looking into, I am sure. What do you
16 wish now?

17 THE CHAIRMAN: Charlottetown, because this
18 is where we are going to land next month.

19 CAPT. SEELEY: I am afraid I really can't
20 be of help to you in the Prince Edward Island district
21 because there is very little shipping into ports there.

22 COMMISSIONER SMITH: No compulsory pilotage?

23 CAPT. SEELEY: No compulsory pilotage. The
24 Commissioners are in Charlottetown and there are three
25 Commissioners. They all happen to be - not Department -
26 they are all government employees, and they are in a
27 supervisory capacity. They see that the tariff, the
28 proper tariff is charged, and that the men are licensed,
29 but other than that they don't collect any dues and they
30 have very little to do with the pilotage. The pilots



1. office in which highway for a

MR. JACOBSON: They need a pilot down

CONGRESSIONAL SENATOR: How come this man

is not in contact with North Dakota? Why not some-

ONE SENATOR: Well, you are to write

him, the last two or three years, most of the

of which has been up close to North Dakota. It

has only one, it has only

ONE SENATOR: There are still

in the state

ONE SENATOR: It should be this should be a

to be a state, I don't know, it is something you

there will be a lot of it, I am sure, what is you

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is what we are going to have next month.

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there will be a lot of it, I am sure, what is you



1 are scattered around all the various parts of the island,
2 and they are only licensed for a particular port. There
3 is only one man who has been licensed for all of Prince
4 Edward Island, and he is a government employee. He does
5 very little piloting. The only reason that he is
6 licensed is that if one of the pilots in port gets sick
7 they are able to send him to fill in.

8 COMMISSIONER SMITH: Are there any complaints
9 in that district?

10 CAPT. SEELEY: No complaints.

11 COMMISSIONER SMITH: Anything we should know
12 about?

13 CAPT. SEELEY: We hear very little from them
14 except the annual report.

15 THE CHAIRMAN: What kind of ships do they
16 have?

17 CAPT. SEELEY: They have ships from South
18 America going in picking up potatoes mostly, I would
19 think, either agricultural products or taking oil into
20 oil tankers.

21 THE SECRETARY: How many licensed pilots in
22 Charlottetown?

23 MR. JACQUES: Six.

24 CAPT. SEELEY: Six, if you include the
25 general one.

26 THE SECRETARY: Can you, offhand, say what
27 is the average net earning of each pilot?

28 CAPT. SEELEY: No, I will have to refer to
29 the annual report. It is very small. I don't think any
30 of them earn over \$2,000.



1 THE SECRETARY: It is not the main occupation?

2 CAPT. SEELEY: It is not the main occupation.
3 It is just a little extra money they pick up.

4 COMMISSIONER RENWICK: Mostly seasonal, I
5 would presume.

6 CAPT. SEELEY: Yes, seasonal to a large
7 extent.

8 THE SECRETARY: Charlottetown isn't open the
9 year round; is that right?

10 CAPT. SEELEY: No.

11 THE CHAIRMAN: I am just wondering how much
12 we should cover today. I am wondering if we should not
13 cover only Saint John and Charlottetown, plus maybe the
14 West Coast, and then limit ourselves to that rather than
15 have everything because if we do everything it is going to
16 be quite long and we should not try to handle too much
17 at the same time. If we cover these two are you in
18 favour of covering also British Columbia today?

19 COMMISSIONER SMITH: If we have time. I
20 think we should cover Saint John, and if we have time,
21 B.C.

22 THE CHAIRMAN: It is almost 12.30. We can
23 adjourn and return at 2 o'clock.

24

25 --- Luncheon adjournment

26

27

28

29

30



1 ---On resuming at 2:00 p.m.

57

2 THE CHAIRMAN: All right, carry on.

3 CAPT. SEELEY: It would be easier for me,
4 knowing that you know quite a bit about the place, it
5 would be perhaps easier for me and better for you if you
6 would ask me some questions.

7 THE CHAIRMAN: We will, as we did this
8 morning. Of course, we do not know too much about it;
9 Mr. Smith knows a lot but as far as I am concerned and
10 Mr. Renwick is concerned, especially in the eastern part,
11 we do not know anything about it. Mr. Renwick would
12 know about British Columbia but as far as I am concerned
13 I am a layman. This morning we were finishing Charlotte-
14 town.

15 CAPT. SEELEY: I have nothing to add to
16 Prince Edward Island.

17 THE SECRETARY: May I ask, if time permits
18 is there any advantage to be derived by making a visit
19 to Summerside in Prince Edward Island.

20 CAPT. SEELEY: I would not think so.

21 COMMISSIONER SMITH: Are there any other
22 places where we should go on the island?

23 CAPT. SEELEY: Well, there are places similar
24 to Summerside, there is Georgetown and Souris.

25 COMMISSIONER SMITH: Tignish?

26 CAPT. SEELEY: No, there is nothing in
27 Tignish.

28 COMMISSIONER SMITH: We would be wasting our
29 time going around some of the other places?
30



1 CAPT. SEELEY: I really think you would.

2 THE SECRETARY: So perhaps two days would
3 be all that would be required in Charlottetown visiting
4 the harbour?

5 CAPT. SEELEY: I would certainly think so.

6 THE SECRETARY: So perhaps the rest of the
7 time might be spent in visiting with someone who knew
8 the district because we are not starting to sit in Saint
9 John before the following Monday.

10 THE CHAIRMAN: No, no.

11 THE SECRETARY: We have a stay in Charlotte-
12 town -- oh, pardon me -- the 14th, we are starting on
13 the 14th so we will just make it.

14 THE CHAIRMAN: That is the way we figure it.

15 CAPT. SEELEY: Well, the piloting of Saint
16 John is what you would almost call strictly harbour
17 piloting. Pilots pick up the ships just outside the
18 harbour and they act as docking pilots more than pilots
19 as such on the river. Of course, the Minister is the
20 pilotage authority and the Department of Transport
21 administers the district. There are nine pilots. We
22 have one pilot boat and the pilot boat there is the
23 largest pilot boat that we have in any of the districts;
24 it is approximately 88 feet long.

25 THE CHAIRMAN: Is there any special reason
26 for that?

27 CAPT. SEELEY: The reason is that pilots
28 have claimed for years that they need a boat this size
29 for the weather conditions and tide and so on.

30 THE SECRETARY: Do they go very far out?



1 CAPT. SEELEY: No, they never go out any
2 further than three miles from Partridge Island.

3 COMMISSIONER SMITH: Three miles out?

4 CAPT. SEELEY: I would think they never go
5 further than that.

6 COMMISSIONER RENWICK: When they own their
7 own boats they are not required to be so large?

8 CAPT. SEELEY: Well, the boat is owned by
9 the Department. This boat was built in 1959 and I believe
10 it is a wood boat.

11 COMMISSIONER SMITH: Was it built specially
12 for this?

13 CAPT. SEELEY: Yes, it was built specially
14 for the pilotage job. If you remember the other pilot
15 boat they had was run down and lost with all hands on
16 board in January 1957.

17 COMMISSIONER RENWICK: I take it back then,
18 there is a good reason for a bigger boat in those
19 circumstances.

20 COMMISSIONER SMITH: They have a tide there
21 of 27 feet.

22 CAPT. SEELEY: The size, of course, is a
23 matter of opinion and I might as well say in my opinion
24 it is not necessary to have a boat that large. I am
25 sure all the pilots will tell you it is necessary.

26 THE CHAIRMAN: They will need a good boat
27 anyway?

28 CAPT. SEELEY: Yes.

29 THE CHAIRMAN: Not that good but good.

30 CAPT. SEELEY: It has been my experience that



1 whenever it is so rough that it is not practical to
2 take a pilot boat out to meet a ship then it is not
3 practical to put a pilot on board either.

4 THE SECRETARY: What is the next main district
5 in New Brunswick?

6 THE CHAIRMAN: Before going to that area we
7 are through in the Bay of Fundy?

8 CAPT. SEELEY: Yes.

9 THE CHAIRMAN: That is only in Saint John is
10 there any pilotage in the area.

11 CAPT. SEELEY: No.

12 THE CHAIRMAN: There is no shipping?

13 CAPT. SEELEY: No other traffic. Well, there
14 is no other pilotage in the place at all. Up until a
15 few years ago there was a pilotage district in Pugwash
16 Nova Scotia - Parrsboro, I am sorry, but this district
17 has been rescinded.

18 COMMISSIONER SMITH: That is one reason why
19 I could not find the By-laws; I was looking for the
20 By-laws of Parrsboro but they rescinded them?

21 CAPT. SEELEY: Yes, there was not enough
22 traffic to warrant a pilotage district.

23 COMMISSIONER SMITH: And Pictou I could not
24 find, is that rescinded too?

25 CAPT. SEELEY: No, that has not been
26 rescinded.

27 COMMISSIONER SMITH: I could not find the
28 By-laws of Pictou.

29 THE SECRETARY: We have had five volumes of
30 all the pilotage districts By-laws made up by your office

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THE SPEAKER: What is the next main district
in New Brunswick?

THE CHAIRMAN: Before going to that area we
are through in the Bay of Fundy?
YES, YES.

THE CHAIRMAN: That is only in Saint John is
there any pilotage in the area.
YES, YES.

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1 but we have none for Pictou.

2 CAPT. SEELEY: I am trying to remember whether
3 the revised Pictou By-laws have gone to Privy Council for
4 approval. At the time the books were made up, they were
5 in the process of being revised and were sent back to the
6 local commissioners for a change, but I do not believe they
7 have been sent to Privy Council yet, but certainly we will
8 have copies of them prior to your visiting Pictou. If we
9 do not have the new ones we will give you the copies of
10 the old ones. I think that is the reason why we did not
11 give you a copy.

12 COMMISSIONER SMITH: Well, while we are on
13 that point, I had correspondence with a ship's broker in
14 Parrsboro and you say the Parrsboro district has been
15 rescinded.

16 CAPT. SEELEY: Yes.

17 COMMISSIONER SMITH: Now, he is complaining
18 about the difference in the charges between Pictou and
19 Parrsboro. What happened in Parrsboro? When that district
20 is rescinded is it wide open?

21 CAPT SEELEY: It is wide open, yes, anyone
22 can make a contract with the master of the ship to pilot
23 the ship in if the master wishes to employ him. There are
24 no licensed pilots in the district.

25 COMMISSIONER SMITH: Has that happened within
26 two years?

27 CAPT. SEELEY: 1959.

28 COMMISSIONER SMITH: Have we got a copy of
29 that letter?

30 THE SECRETARY: I am afraid it is in my
office.



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CAPT. SEELEY: Yes.
COMMISSIONER SMITH: Now, he is complaining about the difference in the charges between Pictou and Pictou. What happened in Pictou? When that district was resubmitted is it wide open?

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CAPT. SEELEY: Yes.
COMMISSIONER SMITH: Have we got a copy of that letter?
THE SECRETARY: I am afraid it is in my



1 COMMISSIONER SMITH: He makes comparisons
2 between the charges of Parrsboro and Pictou and he com-
3 plains about pilots being on the job drinking and some
4 other things. However, the discrepancies in the fees
5 is terrific. I do not know offhand what the discrepancies
6 are but I think one was \$17.00 and one was up to \$106.00
7 and everything in between. There must be some explanation
8 of the discrepancies that he has not been able to find
9 and the ships captains' complain, they say they only pay
10 so much in Pictou and three times that much in Parrsboro.
11 He is a ships' broker and he says the ship owners have
12 the feeling he is padding his accounts. Anyhow, that is
13 his story.

14 CAPT. SEELEY: Well, of course, I can state
15 that the tariff is fixed in Pictou but there is no tariff
16 in Parrsboro at all. Presumably a chap who is doing the
17 piloting there will assess the ship whatever the traffic
18 will bear.

19 COMMISSIONER SMITH: In Parrsboro it is only
20 \$3.50 in and \$3.00 out. I remember those figures and I
21 think it is two cents net registered ton. He quotes the
22 tariff figures in his letter to me, and there are no tariff
23 figures for pilotage; that is what I could not understand.
24 This letter was written back last month.

25 COMMISSIONER RENWICK: That may be a basis for
26 a tariff.

27 CAPT. SEELEY: It could be.

28 THE CHAIRMAN: What kind of trade is there
29 for shipping in the last place there at the top of the
30 bay?

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W.F.T. REMEY: It could be.



1 CAPT. SEELEY: In Parrsboro.

2 COMMISSIONER SMITH: Very little.

3 CAPT. SEELEY: Primarily it is lumbering.

4 COMMISSIONER SMITH: There are only eight
5 ships.

6 THE CHAIRMAN: So under New Brunswick you
7 have quite a few places from Chaleur Bay down to the
8 strait.

9 CAPT. SEELEY: We have the Shediac -- I think
10 you have copies of all the information and I doubt if
11 I can add very much to what is already on there, what we
12 have put down. There is very little traffic in most of
13 these places anyway. It is somewhat similar to Prince
14 Edward Island in that respect. In most cases this is
15 only a part-time job that the pilots have. There is one
16 exception but you have Shediac, Buctouche, Richbucto,
17 Bathurst and Merigomish and Restigouche. And now, the
18 Restigouche one is the only one with any major port.
19 Dalhousie is the place where most of the shipping goes
20 along that shore. This is the only one of those districts
21 that employs pilots on a full-time basis, all the others
22 are part-time.

23 THE CHAIRMAN: No trouble there?

24 CAPT. SEELEY: No, I do not think there is
25 any trouble at the present time. These districts were
26 all visited last year, I visited three or four of them --
27 I have forgotten which ones now -- there were no problems
28 of any magnitude.

29 COMMISSIONER SMITH: Well, there not being
30 any problems there is no special reason why we should



The Chairman

DAVID: Another in the series

COMMISSIONER SMITH: Very little.

DAVID: I think it is interesting.

COMMISSIONER SMITH: There are only a few

things.

THE CHAIRMAN: So much for the first

have quite a few papers from District 10 to the

Chairman

DAVID: We have the District 10 - I think

you have copies of all the information and I want to

I am not very much in a hurry to get it, would you

have got down. There is very little in most of

these places anyway. It is somewhat similar to the

things listed in that report. In most cases this is

and a good thing. I am not sure, but I think it is

exceptional. You can have 20, 30, 40, 50, 60, 70, 80, 90, 100

thousands and thousands of people. And now the

realization of the only one who was not

thousands in the place where most of the things were

also were there. This is the only one of these things

that are on a list - I am not sure, but I think

the list.

THE CHAIRMAN: We are in the

DAVID: Yes, I do not think there is

any trouble at the present time. There is no trouble

and visited last year, I visited them a few of them -

I have forgotten which ones now - there were no

of any significance

COMMISSIONER SMITH: Well, I am not

any problems there in the present time. There are



1 travel out of our way to look at the geography of the
2 situation, is there?

3 CAPT. SEELEY: Possibly not.

4 COMMISSIONER SMITH: Do you think there is
5 any reason why we should go?

6 CAPT. SEELEY: No, I do not know of any
7 reason except the reason that you may want to look into
8 the tariff structure in all of these places for the
9 reason that you have stated, there may be a disparity
10 between the tariffs.

11 COMMISSIONER SMITH: There is another reason
12 I have in mind and I am sure the other Commissioners have
13 too, we do not want to get ourselves jockeyed into a
14 position of being criticized or the government or the
15 department being criticized for neglecting or overlooking
16 going to any place. After we are through if we overlook
17 some then the others may say "You did not come here" and
18 make a big noise about it without anything to back it
19 up but just somebody to make a noise.
20
21
22 -
23
24
25
26 -
27
28
29
30 -



1 CAPT. SEELEY: For the length of time
2 involved it may be just as well to visit these places.

3 COMMISSIONER SMITH: Every one of them?

4 THE CHAIRMAN: I don't know whether we
5 should, at this time, or whether we should wait until
6 we go to Halifax later on.

7 CAPT. SEELEY: It might be cold up there
8 next month.

9 THE SECRETARY: It doesn't freeze, does it?

10 CAPT. SEELEY: Oh, yes it does. Restigouche,
11 Bay of Fundy, partly. If it will help, just to guide
12 you on your trip, from Moncton back to Moncton, covering
13 all these places it is about 500 miles, slightly in
14 excess.

15 THE SECRETARY: You mean the circuit?

16 CAPT. SEELEY: You can take all these places
17 in right up the coast.

18 THE SECRETARY: How did you do it when you
19 did it?

20 CAPT. SEELEY: By car.

21 THE SECRETARY: Is there a Department car
22 in Moncton, in Saint John?

23 CAPT. SEELEY: Moncton.

24 THE SECRETARY: District car?

25 CAPT. SEELEY: No - yes, it is the air
26 transport.

27 THE SECRETARY: Visiting these places, do
28 you think it would be possible to see them next month
29 or shall we wait until we are in Halifax again in May?

30 COMMISSIONER SMITH: I think it is a bad time



1 to be in there.

2 THE CHAIRMAN: We could do it in May.

3 COMMISSIONER RENWICK: As we are going back
4 in the area it would be better to postpone it.

5 THE CHAIRMAN: Right.

6 CAPT. SEELEY: Coming back to the Saint John
7 district, I don't know of any particular problem with
8 the exception of the work load peaks which you run into
9 there. I think there are drafts we have given you which
10 will show you that the work load peak extends over no
11 longer than three months during the winter months, and
12 then it drops drastically the rest of the year. Of
13 course, the problem is to have sufficient pilots to take
14 care of the peak load when the rest of the time they are
15 doing very little.

16 THE CHAIRMAN: Are they doing only that the
17 year through?

18 CAPT. SEELEY: Yes.

19 THE CHAIRMAN: Fully employed?

20 CAPT. SEELEY: Yes.

21 COMMISSIONER SMITH: It is the reverse to
22 the St. Lawrence with the nine months out of the year
23 problem; in Saint John it is three months?

24 CAPT. SEELEY: That is right.

25 COMMISSIONER SMITH: St. Lawrence is frozen.

26 THE CHAIRMAN: That is why?

27 COMMISSIONER SMITH: Yes, you can't get in.

28 THE CHAIRMAN: I suppose the same thing in
29 Halifax?

30 CAPT. SEELEY: Halifax, the level of



1 shipping stays at a much better level. It doesn't
2 increase that much during the winter. I should say that
3 it stays at a higher level during the summer months.

4 COMMISSIONER SMITH: C.P.R. goes into Saint
5 John, the cargo boats in the wintertime, and they don't
6 go into Halifax at all. There are other lines that go to
7 Saint John that don't go into Halifax. Halifax takes
8 up a lot of, shall we say, transient or tramp or other
9 types of shipping.

10 CAPT. SEELEY: Right. You have a gypsum
11 plant that is running year-round. You have three oil
12 docks and an oil refinery there and this tends to make
13 more of a year-round port than it was formerly.

14 THE SECRETARY: Saint John?

15 CAPT. SEELEY: No, Halifax I am speaking of.

16 THE CHAIRMAN: That is all for that?

17 CAPT. SEELEY: I don't know of anything else
18 unless you have some questions to ask.

19 COMMISSIONER SMITH: Just one question:
20 apart from what you mentioned of the seasonal employment
21 there, what of wages and soon? The reason I ask is I am
22 told that there are some problems in Saint John. I haven't
23 been told what they were.

24
25 --- (OFF RECORD DISCUSSION)

26
27 CAPT. SEELEY: There is a problem in that it
28 would appear that these men are being paid or receiving
29 abnormal earnings for the amount of work they are putting
30 in. This is one of the problems that you will encounter



1 there. The earnings per hour are much higher than any
2 of the other districts in Canada.

3 COMMISSIONER SMITH: That is understandable
4 because of the three-month period. They have to get all
5 their work in then and make a living.

6 CAPT. SEELEY: That doesn't entirely answer
7 it, no. That is part of it.

8 THE CHAIRMAN: Shall we go up to the British
9 Columbia coast? It is going to be our next trip in
10 March, and then back to Newfoundland and next month back
11 to the Maritimes. We would like to have your briefing
12 on the West Coast.

13 CAPT. SEELEY: The West Coast is certainly
14 the most involved pilotage district that we have. It
15 takes in approximately 40 pilots and it extends over a
16 coast line of 400 miles. This in itself presents quite
17 a problem. You have problems in transporting the pilots
18 from one place to another. You have problems in the
19 tariff structure. You heard this morning about the
20 problem we have with the Americans because part of this
21 is in international waters.

22 THE CHAIRMAN: Which part?

23 CAPT. SEELEY: This part here (indicating).

24 THE CHAIRMAN: The southern part?

25 CAPT. SEELEY: The southern part, the Puget
26 Sound area. The usual procedure with ships coming from
27 Puget Sound is to come up here and go through what is
28 called Hecate Strait and this is international water.
29 It has been the practice with the Canadian pilots to
30 come down to Seattle or any of the ports in that area.



...at the same time
...they have to put all
...their work in front and make a living

MR. CHAIRMAN: That is not entirely correct
...it, no, that is part of it
THE CHAIRMAN: Shall we go up to the British

Colombia coast? It is going to be our next trip in
...and then back to New Orleans and then north back
to the mainland. We would like to have your company
on the west coast.

MR. CHAIRMAN: The West Coast is certainly
...the most involved project during that we have. It
takes in approximately 50 miles and it extends over a
coast line of 200 miles. There are several projects along
a coastline. You have problems in transportation the pipeline
from the place to a other. You have problems in the
...problem we have with the American because part of this
is in international waters.

THE CHAIRMAN: When you
MR. CHAIRMAN: This part here (indicating)
THE CHAIRMAN: The southern part

...ground area. The canal connects with ships coming from
...we have been the project with the American office to
...down to the state of the points in that area



1 He will join the ship there and he will then come up
2 with the American pilot up as far as the ^{Lime Kila} ~~Limehill~~ area
3 then the Canadian pilot will take over and take the
4 ship into Vancouver. That is where the ship is going.
5 The American pilot is paid on a mileage basis so the
6 thing that was referred to this morning, the American
7 pilot wanted to take ^{the} ship up this way, because he would
8 be in American waters for a much longer period.

9 While it has been the practice for the
10 Canadian pilots to pilot in ^{Georgia} ~~Hecate~~ Strait, which is
11 international water, it doesn't seem there would be
12 anything stopping American pilots piloting in that area,
13 and I think the only thing that is stopping them, has
14 stopped them to date, is that their licence only extends
15 to what they call the inland water licence, and that
16 licence takes them up to the ^{Lime Kila} ~~Limehill~~ area.

17 THE CHAIRMAN: It is an offence to pilot a
18 ship further?

19 CAPT. SEELEY: Yes, this is something that
20 you are going to run into there.

21 THE CHAIRMAN: I recall two years ago, three
22 years ago, rather, they used to tell me on that port
23 there was good co-operation and so on. This has
24 deteriorated now?

25 CAPT. SEELEY: Yes, to a certain extent. 1.?

26 COMMISSIONER RENWICK: Is it not a fact the ~~that~~
27 Canadian pilots are refusing to go into U.S. waters to
28 inboard these ships?

29 CAPT. SEELEY: This did happen some time ago.
30 It wasn't for this reason. It was for another reason,



11 He will join the ship there and he will sign some up
12 with the American officer up as far as the [unclear] area
13 when the Canadian [unclear] [unclear] [unclear] [unclear] [unclear]
14 ship into Vancouver. That is what the [unclear] is [unclear]
15 the American officer is [unclear] [unclear] [unclear] [unclear] [unclear]
16 thing that was referred to him [unclear] [unclear] [unclear] [unclear]
17 prior [unclear] to [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
18 in the [unclear] waters [unclear] [unclear] [unclear] [unclear]
19 While it has been the [unclear] for the
20 [unclear] [unclear] [unclear] [unclear] [unclear]
21 international water. It doesn't seem there would be
22 anything [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
23 and I think the only thing [unclear] is [unclear] [unclear]
24 stopped them to date. Is that [unclear] [unclear] [unclear] [unclear]
25 on what they call the [unclear] water [unclear] [unclear] [unclear]
26 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
27 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
28 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
29 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
30 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
31 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
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34 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
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36 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
37 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
38 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
39 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]
40 [unclear] [unclear] [unclear] [unclear] [unclear] [unclear]



1 the reason being that they didn't think they were
2 receiving enough money for travelling expenses and
3 other expenses down here from the shipowner.

4 THE CHAIRMAN: There was also a time element
5 involved, losing of time going down there?

6 CAPT. SEELEY: Oh, yes, but they were well
7 paid for it. I am afraid I should have made notes on
8 these various things.

THE CHAIRMAN: You are doing well.

9 CAPT. SEELEY: We have been recruiting
10 pilot boats out there.] We have pilot boats

11 in Victoria that are run by the Department, because most
12 of the traffic in the area is going to Vancouver or New
13 Westminster and this is the main boarding station, and
14 the pilot boats there are run by the Department. We
15 have a boat in the New Westminster district that is also
16 run by the Department.

17 COMMISSIONER SMITH: Excuse me, how are the
18 pilots paid; does the Commission reimburse the pilot?

19 CAPT. SEELEY: As far as they are concerned,
20 yes. We charge the shipowner \$10 each time we embark
21 or disembark a pilot. The same is true in Victoria, a
22 \$10 charge.

23 MR. JACQUES: Are these boats used also by
24 the quarantine officer and the immigration officers?

25 CAPT. SEELEY: They are used by the doctors,
26 yes, in Victoria. They make use of this quite often.

27 MR. JACQUES: Could we say then it is a
28 service available to government officials, and not only
29 to pilots?

30 CAPT. SEELEY: That is partly true. This is



1 the only spot that they do that, Victoria, that I know
2 of. There is another pilot boarding station and pilot
3 boat in the Alberni Canal or at Cape Beale. Port Alberni
4 is 40 miles from Cape Beale where the pilot boarding
5 station is, and it has been necessary in the past to
6 take the pilot off or put him on and take him back to
7 Port Alberni. This makes a long run for the pilot boat.
8 I understand that the B.C. Minister of Highways has
9 decided to put a road down to a place called Bamfield
10 which is in the entrance of the Alberni Canal. When
11 this is done it will make it no longer necessary to have
12 the pilot go all the way up the Alberni Canal. This
13 pilot boat is chartered and it is done on a trip basis.
14 We pay half - the Department pays half and the shipowner
15 pays half of the cost. The charge for each trip is \$100,
16 of which we pay \$50.

17 MR. JACQUES: How did this agreement come
18 about? Were there negotiations with shipowners on that
19 point?

20 CAPT. SEELEY: This came about when we agreed
21 to take over the operation of the pilot boats and charge
22 the shipowners 50% of the cost. At that time it was
23 estimated that the cost of operating pilot boats here
24 would be approximately \$20 a trip in Victoria, so we
25 charged the shipowners \$10. This means where we pay
26 \$100, the agreement to pay half still applies, so we
27 pay half of the \$100 charge. This applies up here.
28 We employ boats here on a trip basis.

29 COMMISSIONER RENWICK: Port McNeill?

30 CAPT. SEELEY: Port McNeill and Port Alice,

the only spot that they do that, Victoria, that I know
of. There is another pilot boarding station and pilot
boat in the Alberni Canal or at Cape Beale. Port Alberni
is 40 miles from Cape Beale where the pilot boarding
station is, and it has been necessary in the past to
take the pilot off or put him on and take him back to
port Alberni. This makes a long run for the pilot boat.
I understand that the B.C. Minister of Highways has
decided to put a road down to a place called Rosedale
which is in the entrance of the Alberni Canal. When
this is done it will make it no longer necessary to have
the pilot go all the way up the Alberni Canal. This
pilot boat is chartered and it is done on a trip basis.
We pay half - the Department pays half and the shipowner
pays half of the cost. The charge for a trip is \$100,
of which we pay \$50.
MR. LANGRISH: I would like to know if there
would be any negotiations with shipowners in that
case?
CAPT. SHALBY: This came about when we started
to take over the operation of the pilot boats and taking
the shipowner 50% of the cost. At that time it was
estimated that the cost of operating a pilot boat would
be approximately \$90 a trip to Victoria, so we
charged the shipowner \$45. This means where we pay
\$100, the agreement to pay half still applies, so we
pay half of the \$100 charge. This applies up here
we employ boats here on a trip basis.



1 the charge there is \$120 a trip and we pay \$60 of this.
2 We also have a boat on trip charter up to Prince Rupert
3 and Triple Island and again the charge there is \$120 per
4 trip. We pay half.

5 THE SECRETARY: Pardon me, may I ask a
6 question of a general nature here? How are the pilotage
7 services operated in B.C.? You seem to be referring to
8 a number of pilotage stations where pilot services may
9 be made available to shipowners. Do I understand that
10 the B.C. licensed pilots may operate anywhere on the
11 coast?

12 CAPT. SEELEY: That is true.

13 THE SECRETARY: They have no limitation on
14 their licence?

15 CAPT. SEELEY: The only exception is the
16 Fraser River.

17 THE SECRETARY: What is the trend of
18 shipping, Maritime shipping, on the B.C. coast? Do I
19 follow from what you say that there are ships coming
20 from the Orient and coming in directly to Vancouver and
21 to various places along the way?

22 CAPT. SEELEY: Yes, true.

23 THE SECRETARY: That is the reason why boats
24 have to be provided at various places?

25 CAPT. SEELEY: Boarding stations.

26 THE SECRETARY: They don't have to proceed
27 to Vancouver?

28 CAPT. SEELEY: These ships come to Prince
29 Rupert or to Kitimat - we will take those two as
30 examples. They will go up by Queen Charlotte Island and



1 up by Triple Island.

2 THE SECRETARY: Where are the pilots located?

3 All located in Vancouver?

4 CAPT. SEELEY: Vancouver, Victoria and
5 Nanaimo. The dispatching control is all in Vancouver.

6 We have a sub-dispatchment station, or satellite station,
7 if you like, in Victoria, but the general control for
8 all the coast is in Vancouver. These pilots are sent
9 to various places along the coast to pick up ships. A
10 man may be sent to Kitimat or Prince Rupert.

11 THE SECRETARY: How much time lag is there
12 between a request for a pilot and the time when the
13 pilot is required since the distances are considerable
14 on the coast and most pilots would be living in the
15 southern part of B.C. and time must be allowed for them
16 to travel to Prince Rupert?

17 CAPT. SEELEY: We get the E.T.A. from the
18 agents in sufficient time for the pilots to be sent.

19 COMMISSIONER RENWICK: That is no problem.
20 They may know four days ahead when they are going to
21 come in.

22 CAPT. SEELEY: The dispatching system out
23 there is quite good. We have very little trouble with
24 that part of it. It is a very difficult dispatching
25 point because the dispatchers not only dispatch the
26 pilots, they usually make arrangements for their trip.
27 If they go by plane they usually call up and reserve a
28 seat for them. They will give them timetables when they
29 'phone the pilots. They will tell them when their plane
30 leaves. If they have to take a ferry they will tell him



up by triple island.

THE REPORTER: Where are the pilots located?

All located in Vancouver.

CAPT. SHERMAN: Vancouver, Victoria and

Abbotsford. The dispatching system is still in Vancouver.

We have a sub-station at Abbotsford, or Abbotsford station.

If you like, to Victoria, but the main station is at

all the coast in the Vancouver area.

So various places along the coast to pick up signals. A

man may be sent to Kilmory to receive signals.

THE REPORTER: How much time lag is there

between a request for a pilot and the time when the

pilot is requested and the dispatching are considerably

on the coast and west pilots would be taking time

between time of a request and time when the pilot is

to travel to the coast.

CAPT. SHERMAN: We have two pilots on the coast

operating in the Victoria area for the pilots to be sent.

COMMUNICATIONS REPORTER: That is no problem.

There may now be a delay when they are going to

CAPT. SHERMAN: The dispatching system out

there is quite good. We have very little trouble with

that part of it. It is a very difficult system.

point because the dispatchers not only dispatch the

planes, they usually make arrangements for them to

to they go by plane they usually call up and reserve a

seat for them. They will give them immediate when they

phone the pilot. They will tell them when their plane

leaves. If they have to take a ferry they will tell him



1 the time.

2 COMMISSIONER RENWICK: Personal service.

3 CAPT. SEELEY: They do a very good job.

4 When these pilots report back from any of these trips
5 up north, if they have got off a ship in Kitimat, and
6 they return back here, they are given a certain length
7 of time to report back before they are put on dispatching
8 basis again.

9 COMMISSIONER RENWICK: You might pinpoint
10 Kitimat on the map, so the gentlemen will know where it
11 is.

12 CAPT. SEELEY: I will take a pin from over
13 here.

14 THE CHAIRMAN: I see.

15 COMMISSIONER RENWICK: There is another
16 problem recently at ^{Haniet} ~~Hecate~~ Bay on Queen Charlotte Island
17 involving the Prince Rupert area.

18 CAPT. SEELEY: That is true. We have ^{Haniet} ~~Hecate~~
19 harbour here on Queen Charlotte Island where ships are
20 starting to come in and take ore out. This is presenting
21 quite a problem because there is no customs, immigration
22 or pilotage facilities there. What has been happening,
23 the ship has been coming in and going into Triple Island
24 and picking up the pilot there and going all the way
25 down. That means that the pilot must be taken back
26 there or down to some other boarding station to be taken
27 off when the pilotage distance into the harbour is only
28 a distance of three or four miles. This is making quite
29 an additional expense to the ships in the area because
30 they come into Prince Rupert. It is wasting a lot of



1 time, and certainly going down here (indicating) and
2 taking the pilot back to the boarding station wastes a
3 lot of time.

4 COMMISSIONER RENWICK: It is very bad water.

5 COMMISSIONER SMITH: Can you suggest any
6 remedy for that?

7 CAPT. SEELEY: No, I can't, quite frankly,
8 unless this is taken out of the district as such, the
9 whole B.C. district, and a local man is appointed.
10 There are various remedies, I am sure, this being one
11 of them, or it is possible a pilot could be placed over
12 here rather than making the ship go all the way down.

13 COMMISSIONER RENWICK: No airstrip.

14 MR. JACQUES: Is there a connection between
15 the island and the airport?

16 CAPT. SEELEY: I don't know.

17 ^{Renwick}
MR. JACQUES: Sandspit is a regular airport.

18 CAPT. SEELEY: It wouldn't be very good.

19 COMMISSIONER RENWICK: There is no road down
20 to ^{Harriet} ~~Hecate~~ harbour from there. It has got to be water
21 transport from there.

22 CAPT. SEELEY: It seems that one answer
23 might be to break this away from the district and have
24 it as a separate district and a man employed by the
25 company. This is something you people are going to look
26 into.

27 THE CHAIRMAN: Didn't you say that the
28 administration there was divided between New Westminster
29 and Vancouver? What is the differential between - why
30 are there two stations?



1 CAPT. SEELEY: Vancouver is the headquarters
2 for the whole area with the exception of the Fraser River.

3 THE CHAIRMAN: The Fraser River?

4 CAPT. SEELEY: And that is a local commission.

5 THE CHAIRMAN: Fraser is a local commission.

6 CAPT. SEELEY: Local commission, and I think
7 the question was asked this morning why they didn't make
8 it a Minister's district and the answer was the Minister
9 didn't wish it.

10 THE CHAIRMAN: What is the difference between
11 New Westminster - what is there at New Westminster?

12 COMMISSIONER RENWICK: What is there? New West-
13 minster loads about ²⁰⁰ ~~two~~ ships a year, as I recall it,
14 ^{fruit, eggs, apples, grain} lumber products, ^{at Trail} ~~ore~~ inbound/outbound coming from the
15 smelter ^{at Trail} ~~it~~ it is a very big movement. What else is
16 there? That is about it.

17 THE CHAIRMAN: They all come under Vancouver
18 the same?

19 MR. JACQUES: No.

20 CAPT. SEELEY: Separate commission.

21 MR. JACQUES: The same set-up as Charlotte-
22 town?

23 CAPT. SEELEY: No, not quite. It is compul-
24 sory payment of pilotage dues.

25 MR. JACQUES: For the commission itself?

26 CAPT. SEELEY: For the commission, yes.

27 THE CHAIRMAN: Prince Rupert is under
28 Vancouver?

29 CAPT. SEELEY: That is right. Everything
30 else in British Columbia comes under the B.C. district.



1 THE SECRETARY: Have there been discussions
2 of recent date with regard to the proposed designation
3 of Prince Rupert as a separate pilotage district?

4 CAPT. SEELEY: Yes, there have been.

5 THE SECRETARY: Have the discussions been
6 pursued?

7 CAPT. SEELEY: I think it was pretty well
8 abandoned because there is not enough shipping into
9 Prince Rupert to pay a full-time pilot or, at least, it
10 wouldn't pay him the same amount that the B.C. pilots
11 are receiving at the present time.

12 COMMISSIONER RENWICK: Captain, in connection
13 with the heavy traffic going out of Prince Rupert now
14 for Alaska, is that under pilotage, those big carriers?
15 There is a lot of Alaska cargo originating ^{in U.S. going via} off Prince
16 Rupert ^{and} being scowed up to Alaska.

17 CAPT. SEELEY: No.

18 COMMISSIONER RENWICK: No pilotage involved
19 in that?

20 CAPT. SEELEY: No.

21 COMMISSIONER RENWICK: Largely a Canadian
22 National venture?

23 CAPT. SEELEY: Yes.

24 THE SECRETARY: Captain, at the southern
25 tip of Queen Charlotte Island you mentioned there is an
26 ore mine and that there is a shipping line that frequently
27 or regularly goes out. Would you happen to know whether
28 there are several shipping lines involved?

29 CAPT. SEELEY: I think there is only one
30 line.



1 COMMISSIONER RENWICK: It is charter ore to
2 Japan, usually a straight charter job.

3 THE SECRETARY: Has the Department ever
4 considered the possibility of providing a pilotage
5 service for this particular mining operation on the
6 same basis as we have in the Goose Bay-Labrador area,
7 the Financial Administration Act?

8 CAPT. SEELEY: No, I don't think, to my
9 knowledge, that has ever been discussed.

10 COMMISSIONER RENWICK: As a matter of fact
11 this venture has just recently come into fruition. It
12 just opened up.

13 COMMISSIONER SMITH: Are we going to get
14 many problems on the B.C. coast, or the West Coast?

15 CAPT. SEELEY: I think you may, yes. The
16 tariff structure in B.C. is the only one that is set up
17 with a mileage charge, the only one we have in Canada,
18 at least, and so there has been considerable trouble -
19 discussion, rather than trouble - considerable discus-
20 sion about the actual limits of the district, the
21 distances up the Island of Vancouver, for instance,
22 that is taken into the district. That has been a
23 contentious point for some time and it has never been
24 defined. The reason why that particular thing has been
25 discussed so much during the past couple of years is
26 because of the mileage charge, the pilot wanting to know
27 when the mileage charge starts.

28 COMMISSIONER RENWICK: It is very important
29 at 82.1/2 cents *per mile*.

30 CAPT. SEELEY: 82 cents a mile, yes.



1 THE SECRETARY: The three-mile limit has
2 never been used as a possible limitation, outward limita-
3 tion of a district?

4 CAPT. SEELEY: No, it involves a bit more
5 than that three-mile limit; for instance, how much of
6 this area in here - is this all pilotage water? This
7 is the area, Hecate Strait. This is a subject of discus-
8 sion, how much of this area from Vancouver Island to
9 the mainland in this northern area is in pilotage waters.
10 I don't think the three-mile limit, as such, around the
11 coast is of that great importance.

12 MR. JACQUES: It would be the same problem
13 they had in England with the Channel pilots and the
14 off sea pilots?

15 CAPT. SEELEY: They were paid on a mileage
16 basis.

17 MR. JACQUES: I don't recall exactly, but I
18 know there was some difficulty in establishing exact
19 limits.

20 COMMISSIONER RENWICK: Captain, I am
21 wondering what is the impact of these very large carriers
22 now as compared with the normal ten or twelve thousand
23 ^{tonners} ~~tonnage~~ that was the usual ^{tramp} ~~drum~~ carrier at the time the
24 tariff was set up. It is not unusual now to have
25 40,000 ^{tonnes} ~~tons~~. ^{The} ~~His~~ earnings must be tremendous, for one
26 pilot, when you compare it to the 10,000 ^{tonner} if you consider
27 the draft and net registered and so on.

28 CAPT. SEELEY: Apparently, in mileage it
29 would appear they would receive much less, however they
30 also...



1 COMMISSIONER RENWICK: On draft.

2 CAPT. SEELEY: On draft and tonnage as well.

3 COMMISSIONER RENWICK: Per man I would
4 think they would pick up a lot more money per adventure.

5 CAPT. SEELEY: Perhaps, yes. Of course
6 there is that concern in all the larger districts of
7 getting bigger ships. There is also an increase, has
8 been for the past 10, 15 years in the district. If I
9 might just give you some idea of the increase: I think
10 the number of vessels is the best thing to go by. In
11 1958-1959 there were 2,510 vessels. It has increased in 196
12 to 6,468 and the increase has been practically the same
13 each year. I don't have the figures for 1961 right here,
14 but I am sure that they increased about the same. It
15 has been a continuous increase over the past 15 years
16 on the West Coast.

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1 MR. JACQUES: Is the increase in the ratio
2 in ships the same as the increase in the ratio of tonnage?

3 CAPT. SEELEY: No, I did not think it would
4 be because of the larger ships. I think the ratio of
5 tonnage would be much greater than -- it could be easily
6 figured out from the figures.

7 COMMISSIONER RENWICK: The big bulk cargo
8 is grain and lumber and they are going on ^{up, now} ~~take~~ twelve
9 million feet of lumber and it was not very long ago that
10 six million was a big load.

11 THE SECRETARY: How many pilots are there in
12 the British Columbia District?

13 CAPT. SEELEY: In the British Columbia
14 District there are 66, (7 in the Fraser River.)

15 THE SECRETARY: And the British Columbia
16 District, to your knowledge, are they grouped in some
17 form of association?

18 CAPT. SEELEY: I believe all of them belong
19 to the Guild.

20 THE SECRETARY: The Canadian Merchants Service
21 Guild?

22 CAPT. SEELEY: Yes.

23 THE SECRETARY: But apart from that do you
24 know of any British Columbia pilotage association similar
25 to what we find on the St. Lawrence or the Great Lakes?

26 CAPT. SEELEY: I believe they are in the
27 process of forming one.

28 MR. JACQUES: Was there not an old association
29 there?

30 CAPT. SEELEY: , I am sure ---



1 MR. JACQUES: You are a seaman and I should
2 ask you a question: Do difficulties in piloting ships
3 increase with the size of the ship?

4 CAPT. SEELEY: You are asking for an opinion
5 now?

6 THE CHAIRMAN: It depends on the kind of
7 water.

8 CAPT. SEELEY: My opinion is, yes.

9 COMMISSIONER RENWICK: In that regard there
10 is a big problem in the Fraser right now. You remember
11 we had a letter talking ^{from Crown Zellerbach Company, a very large company} about taking the freighters
12 through the Westminster ^{Railway} train bridge. The big carriers
13 now have their bridge aft and they refuse to negotiate
14 the railway bridge. As a result the mill has to transport
15 lumber by scow to New Westminster ^{or} through to the port
16 of Vancouver. They have very adequate dock equipment
17 of their own ^{at the mill, Fraser Mills,} but that is the decision of the pilots, that
18 they refuse to take this particular type of large carrier
19 up through the narrow bridge. That is a problem with that
20 operation which is a very big operation. What can we do
21 about that?

22 THE SECRETARY: That perhaps raises another
23 question: What is the status of a pilot in a situation
24 like this? What are his responsibilities? Can he refuse
25 to handle a ship or pilot a ship upon request?

26 THE CHAIRMAN: Under any condition? If you
27 have very bad weather and they say the ship should not
28 go on, in a case like that it is up to him to say, it is
29 his responsibility.

30 COMMISSIONER RENWICK: I am thinking about the



1 particular problem in clear weather, no weather problem
2 but the pilot refuses to take that type of vessel through
3 that bridge.

4 THE CHAIRMAN: Because it is too dangerous,
5 too risky.

6 COMMISSIONER SMITH: I was going to ask that
7 question, why do the pilots object to the bridge aft as
8 opposed to the bridge fore?

9 CAPT. SEELEY: It is much more difficult to
10 gauge your distance. For instance, when you are approaching
11 the dock or canal wall, with the bridge forward parti-
12 cularly if you want to -- well, take the case of the
13 lakers where you have the bridge right forward, they
14 are able to look out of those and see how far they are
15 away from the lock entrance. However, with a bridge
16 aft it is particularly difficult with a ship drawing only
17 six or seven or eight feet, sometimes a foc'sle head
18 disappears from view entirely, that is the view from the
19 bridge within a few hundred feet at least.

20 MR. JACQUES: Well, you have to rely on
21 information from the man stationed at the bow of the
22 vessel and this may not be very adequate.

23 CAPT. SEELEY: Well, it is much better when
24 you can see yourself rather than relying on someone else's
25 advice.

26 COMMISSIONER SMITH: I realize that the
27 further away from the point you want to reach the more
28 difficult it is, no question about that, it is common
29 sense. However, it is hard for me to understand why a
30 pilot knowing the length of the ship and is acquainted



but the pilot refused to take that view of vessel traffic
they bridge.

THE CHAIRMAN: Because it is too dangerous.
Not really.

WITNESS: I was going to ask that
question, why do the pilots object to the bridge air as
objected to the bridge.

WITNESS: I am not sure that they do
have your question. For instance, when you are approaching
the dock or canal wall, when the bridge forward carries
forward of you want to go west, when the case of the
forward when you want the bridge right forward, they
are able to look out of those and see how they are
pass from the look forward. However, this is a danger
and it is not really. I think with a ship drawn, only
six or seven or eight feet, sometimes a little less
distance from the bridge, that is the view from the
bridge with a few minutes less at least.

THE CHAIRMAN: Will you come to the
bridge and look at the bridge and see how the view is
passed and this may not be your side of the

WITNESS: Well, it is more when

WITNESS: I realize that the
further away from the point you want to reach the more
difficult it is, no question about that, to be common
sense. However, it is hard for me to understand why a



1 with all the dangers and contours, all the possible
2 hazards, could not manoeuvre that ship aft perhaps not
3 as well as fore but as well as it should be.

4 CAPT. SEELEY: Well, difficulties do not
5 arise until you are approaching a dock or making a
6 berth or a canal wall or something like that.

7 COMMISSIONER RENWICK: In this instance
8 the bridge has fairly narrow ^{channels.} ~~posts?~~

9 CAPT. SEELEY: Yes. Also, there is the other
10 thing, that these particular ships have been built during
11 the past ten years and most of these pilots, the time
12 they served at sea ---

13 THE CHAIRMAN: It is a matter of training?

14 CAPT. SEELEY: Yes.

15 COMMISSIONER SMITH: They are building ships
16 and they are going to be piloted but the pilot ---

17 THE CHAIRMAN: They should protect their
18 knowledge or skill.

19 COMMISSIONER SMITH: Yes, it should be
20 properly operated.

21 CAPT. SEELEY: I think it is more difficult,
22 I think it is obvious you are further away from your
23 point of destination.

24 THE CHAIRMAN: But they are specialists and,
25 therefore, they should be able to handle all that. If
26 they are not doing the job someone else should do it
27 for you.

28 COMMISSIONER SMITH: Yes, ships being built
29 that way they should be able to cope with it.

30 COMMISSIONER RENWICK: I think when Captain



1 Seeley says ten years, I think it is five years for the
2 big ones.

3 CAPT. SEELEY: I know some ten years but I
4 think you are quite right, five years would be closer
5 for these larger ones. The ones they are building now,
6 of course any change in design of ships presents a problem
7 to the pilots. When these new super tankers were first
8 being built this problem presented a problem. I know,
9 for instance, in Halifax when I was down there as
10 superintendent we had this problem come up. You have to
11 rely, when you are bringing these ships alongside, you
12 have to rely on tug boats to get you alongside. The
13 old system of bringing the ship in close to the dock and
14 giving her a kick to stern to bring her alongside, that
15 I believe to be abandoned. Now the procedure in a lot
16 of these places is to align the ship off one hundred feet
17 from the dock and parallel with the dock and have the
18 tugboat push you in bodily because these big ships are
19 not that easily handled.

20 You do not have the power astern. One of the
21 biggest problems in handling ships, the ships were built
22 for a speed of 17 or 18 knots and in a good many cases
23 the power astern is only one-third or one-fourth of that
24 going ahead so it does not make for easier handling.

25 MR. JACQUES: The momentum is increased so
26 much?

27 CAPT. SEELEY: Yes.

28 COMMISSIONER SMITH: I would think it would
29 be up to the pilots to equip themselves with sufficient
30 knowledge and experience to cope with that problem.



...I think you are quite right, five years would be closer
for these larger ones. The ones they are building now
of course are change in design of ships presents a problem
to the pilots. When these new super-banners come that
being built this problem presents a problem. I know
for instance, in Halifax when I was down there as
superintendent we had that problem come up. You have to
rely, when you are building these ships alongside, you
have to rely on the tug boats to get you alongside. The
old system of dragging the ship in close to the dock and
giving her a kick to start to bring her alongside, that
I believe to be abandoned now. The one where in a lot
of these places is to attach the ship to one barge and
from one dock and parallel with the dock and then the
tugboats push you in parallel because these big ships are
not that easily turned.
You do not have the power system, one of the
biggest problems in building ships, the engine work, that
for a speed of 17 or 18 knots and in a good many cases
the power source is only one-third to one-fourth of what
going ahead so it does not make for easier handling
Mr. Jackson: The question is answered no

...I would think it would
as up to the pilots to really themselves with sufficient
knowledge and experience to come with that problem



1 THE CHAIRMAN: Well, I do not know what the
2 proper thing is but I can say to you here I think two
3 pilots should be on a ship like that.

4 MR. JACQUES: That is what they do in the
5 Panama Canal with the big war ships or aircraft carriers,
6 they have one at each corner and one at the bridge and
7 the pilots at the corner report to the one on the bridge.

8 CAPT. SEELEY: They only have about six
9 inches of space.

10 THE CHAIRMAN: Here you have a difficult
11 problem and they cope with it.

12 CAPT. SEELEY: Yes.

13 THE CHAIRMAN: That is what they are doing
14 with ice traffic in the winter, they are taking two
15 pilots.

16 CAPT. SEELEY: I do not agree that it is
17 necessary to have the two pilots, only in exceptional
18 circumstances.

19 MR. JACQUES: Where?

20 CAPT. SEELEY: Anywhere in Canada.

21 MR. JACQUES: Well, it depends on the length
22 of time they are on the bridge?

23 CAPT. SEELEY: Yes.

24 THE CHAIRMAN: That is the main reason ---?

25 CAPT. SEELEY: Yes, when I make that statement
26 I did not mean for relief as they do in northern British
27 Columbia but this is a matter of relief because they
28 are sometimes 24 hours.

29 THE CHAIRMAN: Not a matter of skill?

30 THE SECRETARY: There is no apprenticeship



1 scheme in the British Columbia District, is there?

2 CAPT. SEELEY: No.

3 THE SECRETARY: An applicant for a licence
4 to operate as a pilot will, of course, have to pass an
5 examination under the provisions of the Department of
6 Transport?

7 CAPT. SEELEY: That is right. He has to
8 serve a couple of years on the coast, that is a pre-
9 requisite of the particular district because the men
10 there have to know the coast very well, there are so
11 many dangers. After he has passed the examination he
12 is issued a licence and he is given a probationary
13 licence for a period of one year; after that he is given
14 his regular licence.

15 COMMISSIONER RENWICK: But they are not
16 classed, are they?

17 CAPT. SEELEY: No, they are not classed.

18 THE CHAIRMAN: Anything else?

19 THE SECRETARY: I wanted to go back to the
20 Atlantic in connection with the Halifax situation.

21 COMMISSIONER RENWICK: There is one question
22 occurs to me. Straight cargoes of newsprint coming out
23 of Powell River and Ocean Falls to California, a very
24 large movement of several cargoes a week, I understand
25 they do not need pilots, they are foreign registry.

26 CAPT. SEELEY: As far as I know certainly
27 the pilots would demand, they would have to pay pilotage
28 fees. Whether they take the pilot or not, that is up
29 to themselves.

30 COMMISSIONER RENWICK: I think that is the

is in the British Columbia District, is there

The Government: An agreement for a license

to operate as a ship will, of course, have to pass an

examination under the regulations of the Department of

Transport?

GOV. WATSON: That is right. He has to

submit a couple of years of record, that is a pre-

requisite of the profession, which has to be

there have to know the coast very well. There are

very many. After he has passed the examination he

is issued a license and is a full-fledged

license to a period of one year, or at least he is

renewed every year, and he has

to keep a record

of his work, and he has to

the Department. I want to say that

the Department of Transport

is the Department of Transport

of the Department of Transport, a very

large number of small companies

they do not need to know, they are

GOV. WATSON: As far as I know

the pilots would know, they would have to

know, whether they know the pilot or not, that is

so that



1 answer, I think they pay the fees.

2 THE SECRETARY: The Commission will, after
3 its series of sittings in British Columbia return to the
4 Atlantic provinces and will hold a public hearing in
5 Halifax to be followed by another one in North Sydney.
6 In Halifax the hearing is May 28th. We must bear in
7 mind all the Halifax pilots ~~have~~ been receiving an
8 offer from the Department of Transport to take care of
9 the principal road-block in joining the civil service,
10 namely, the pension fund. We must bear in mind that most
11 of them have replied, if not all of them have replied to
12 the Department. I was wondering on the basis of these
13 replies if you know what the general reaction was to the
14 offer made to them by the Department to join the
15 government civil service?

16 COMMISSIONER SMITH: Somebody said 80%.

17 THE SECRETARY: Is that it?

18 CAPT. SEELEY: I think I have seen the
19 letters and I think it is very difficult to say within
20 a certainty just how many.

21 COMMISSIONER SMITH: Somebody mentioned 80%
22 this morning.

23 CAPT. SEELEY: Most of them have asked a
24 lot of questions and most of them, if these questions
25 are answered to their satisfaction would be quite happy
26 to accept the offer. It seems to me that 75% or 80%
27 of them are really interested.

28 THE SECRETARY: When do you expect that
29 these individual answers will be given a reply and when
30 do you expect the transaction to reach a conclusion?



1 CAPT. SEELEY: I won't expect anything I
2 would hope that perhaps before the end of February that
3 we probably will meet with them and answer their questions
4 and perhaps receive a reply from them. I hope I am not
5 being too optimistic.

6 MR. JACQUES: In connection with the offer,
7 taking it as a whole, the pension fund and salary and
8 other indemnities, if there are any two pilots if they
9 are much better off or as well off as they are now, it
10 would eliminate the fear of uncertainty which is always
11 present when fees are based on traffic.

12 CAPT. SEELEY: Of course this depends on the
13 individual pilot. The older pilots would be much better
14 off, their pension would be more than double, sometimes
15 triple and for a man who has only two or three years to
16 serve this means quite a bit to him. For some of the
17 younger ones it would certainly depend on the traffic
18 load over the next 20 years.

19 MR. JACQUES: But from the past traffic
20 trends?

21 CAPT. SEELEY: All of them benefit from the
22 pension scheme, whether they would benefit from the ---

23 THE CHAIRMAN: In a way they would be better
24 on their own because if they were on their own if the
25 traffic increased they would be better off.

26 CAPT. SEELEY: Yes, that is true.

27 MR. JACQUES: Taking into consideration the
28 last five years is there any major increase in the
29 salaries due to their ---

30 CAPT. SEELEY: No.

would hope that perhaps before the end of February that
no possibly will meet with them and answer their question
and perhaps receive a reply from them. I hope I am not
being too optimistic.
MR. JACKSON: In connection with the offer
telling it as a whole, the question that was asked was
other individuals, if there are any who believe in the
are much better off or as well off as they are now. It
would therefore the fact of consistently being as always
present when they are asked to testify.

Q. Now, Mr. JACKSON, if you are now located in the
individuals that the other side would be more likely
of their position would be more than likely, and it was
telling and for a man who has only two or three years in
service this would give a bit of time. The fact of the
younger ones to be able to testify based on the number
lead over the next 20 years.

MR. JACKSON: Just from the fact that
Q. Now, Mr. JACKSON, if you are now located in the
position where, whether they would testify from the
THE CHAIRMAN: In a way they would be better
on their own because if they were on their own it is
testify themselves they would be better off.

Q. Now, Mr. JACKSON, if you are now located in the
MR. JACKSON: Taking into consideration the
last five years is there any major increase in the



1 MR. JACQUES: Is there a decrease?

2 CAPT SEELEY: No, I would think including
3 the benefits it would primarily the same.

4 THE SECRETARY: You do not expect that if
5 the thing is not concluded by the time the Commission
6 holds its hearing in Vancouver that the negotiations
7 would be prejudiced by having the matter brought out at
8 the public hearing?

9 CAPT. SEELEY: I would not think so.

10 MR. JACQUES: Were there any comments made
11 on the Royal Commission by the Halifax pilots in the
12 correspondence you have received?

13 CAPT. SEELEY: No.

14 MR. JACQUES: None have suggested that
15 negotiations be held in abeyance?

16 CAPT. SEELEY: No.

17 THE CHAIRMAN: It is far too advanced now?

18 CAPT. SEELEY: No, their replies dealt
19 strictly with the letter that was sent to each of them.

20 THE SECRETARY: They are not formed in any
21 pilotage association, are they?

22 CAPT. SEELEY: No, in fact some five years
23 ago they got out of the Guild.

24 THE SECRETARY: They are outside the Guild
25 now?

26 CAPT. SEELEY: Yes.

27 THE SECRETARY: Are the pilots in Halifax
28 the only ones outside the Merchant Seamen's Guild?

29 CAPT. SEELEY: I believe they are, yes. Some
30 of them are rejoining but I do not know just what



1 percentage.

2 There are a number of problems in the Great
3 Lakes basin. Now, partly this is because of the two
4 countries doing pilotage business. There is a
5 dispatching problem because we have an office at Port
6 Weller, we do the dispatching here and they have an
7 office in Port Huron and they do the dispatching there.
8 There is no overall dispatching rules laid down even
9 though these two places are within the area, within the
10 district, No. 2 District as we call it. There is a
11 certain amount of co-operation between the dispatchers
12 but there is no overall governing legislation or rules
13 or regulations. Now, this is a poor system. We have
14 the matter of money where you have ships going upbound;
15 last year when they were going upbound they were being
16 charged pilotage in Canadian funds and when they were
17 coming down the same ships were charged pilotage in
18 American funds. This has been changed to a certain
19 extent. Now all the Canadian pilotage bills will be
20 sent forward with the request "Payment in Canadian funds".
21 and all the American pilotage will be paid in American
22 funds.

There are a number of problems in the Great
Lakes Basin. Now, partly this is because of the two
countries doing business. There is a
disputing problem because we have an office in Port
Weller, we do the dispatching here and they have an
office in Port Huron and they do the dispatching there.
There is no overall dispatching rules laid down even
though these two places are within the area, within one
district, No. 1 District as we call it. There is a
certain amount of co-operation between the dispatchers
but there is no overall controlling legislation or union
or regulations. Now, this is a poor system. We have
the matter of money where you have three union agreements;
last year when they were young unions they were being
charged pilferage in Canadian towns and when they were
coming from the same unions were charged pilferage in
American towns. This has been brought to a certain
extent. Now all the Canadian pilferage bills will be
sent forward with the request "Payment in Canadian dollars"
and all the American pilferage will be paid in American
dollars.



/dpw

1 CAPT. SEELEY: There was a problem mentioned
2 this morning of the Toronto and Hamilton pilots.
3 Perhaps just to clarify you on this, while they call
4 them local, they call them Toronto harbour pilots and
5 Hamilton harbour pilots, they have no standing at all
6 as pilots. They cannot pilot a ship that requires a
7 registered pilot, for instance. They are breaking the
8 law if they do this. So the ships that they pilot are
9 the ones where the Masters already hold a certificate,
10 what we call a "B" certificate, so he is asking for
11 assistance, but he could ask assistance, presumably,
12 from the local plumber if he wished, so they have no
13 standing at all.

14 THE CHAIRMAN: I know there is a barber
15 over at New Carlo that brings a ship in, a barber.
16 Of course, it is only once in a while and they have
17 their man that knows the shoals in about the ground and
18 so on.

19 CAPT. SEELEY: Oh, up at the Lakehead we
20 have a similar problem there with the pilots when the
21 ships with these certificates are going in. They don't
22 employ registered pilots. There was a complaint lodged
23 last year that there was no registered pilot available
24 so we complained to the Americans about this, and they
25 stationed a man there. I was up at the Lakehead and
26 the man had been there for five days and he hadn't
27 piloted a ship at all. There were lots of ships in
28 the port, always work being done on them by the local
29 man, because the ships that happened to be there had
30 these certificates. This is not a good arrangement at

CAPT. SWANBY. There was a provision mentioned

this morning of the Toronto and Hamilton places.

perhaps just to clarify you on this, while they call
them local, they call them Toronto and Hamilton places and
Hamilton harbor place. They have no standing at all
as places. They cannot pilot a ship into harbor as a
registered pilot, for instance. They are breaking the
law in doing so this. As the ship goes they will see
the ones where the harbor is and a certificate.
what we call a "B" certificate. so he is taking for
assistance, but he could not assist. presumably,
from the local pilot if he wished, as they have no
standing at all.

The Captain: I know there is a harbor
over at New York that is a harbor, a harbor.
Of course, it is only once in a while and they have
their men that know the harbor in about the ground and
so on.

CAPT. SWANBY: On up to the harbor we
have a similar problem there with the pilot. There
employ registered pilots. There was a constant lodged
last year that there was no registered pilot available
so we complained to the Americans about this and they
stationed a man there. I was up at the harbor and
the man had been there for five days and he wasn't
pilot a ship at all. There were lots of ships in
the port, always work being done on them by the local
men. because the ships that happened to be there had
these certificates. This is not a good arrangement at



1 all.

2 COMMISSIONER SMITH: What are the qualifica-
3 tions for the certificate holders, holders of some sort
4 of licence?

5 CAPT. SEELEY: You have to know the inland
6 rules of the road. This is a "B" certificate and it is
7 given to Masters or officers of ships. While a ship
8 is in Montreal they will go and get this "B" certificate.
9 You must have a knowledge of the rules of the Great
10 Lakes. You must be able to speak English. You have to
11 be able to operate a radio telephone. You have to know
12 the tracks that are taken by these ships in the Great
13 Lakes, the upbound and downbound tracks.

14 COMMISSIONER SMITH: You would have to know
15 inland waters or something like that - it is a special
16 sort of examination?

17 CAPT. SEELEY: It is given to Masters of
18 ships.

19 COMMISSIONER SMITH: No matter what...

20 THE CHAIRMAN: It is local knowledge?

21 CAPT. SEELEY: Local knowledge. It is given
22 to any ship - they must have made two trips into the
23 lakes prior to having been given a certificate. The
24 reason I brought this up is when I read this - in the
25 last year, I would say we in pilotage here in Ottawa, spent
26 more than half of our time during the past year on the
27 Great Lakes alone. It seemed to me there must have been
28 some problem.

29 COMMISSIONER SMITH: They were complaining
30 about long hours and overwork and all that. I saw that



April 1954

11

COMMISSIONER SMITH: What are the conditions

for the certificate holders, holders of some kind

of license

CART. SMITH: You have to know the

rules of the road. This is a very important rule and it is

given to them in the office of the State. While a ship

is in the water they will go and get the certificate

You must have a knowledge of the rules of the water

law. You must be able to read the law. You have to

be able to operate a motor vehicle. You have to know

the traffic laws and the rules of the road.

SMITH: What about the knowledge of the

COMMISSIONER SMITH: You would have to know

land water or something like that - it is a general

sort of thing.

CART. SMITH: Is it given to them in

SMITH:

COMMISSIONER SMITH: No, not at all.

THE CHAIRMAN: Is it given to them

CART. SMITH: Local knowledge. It is given

to say that - they have made two trips into the

lake prior to having been given a certificate. The

reason I brought this up is when I was out - in the

last year, I would say we in the State of Idaho, the

more than half of our time during the last year on the

Great Lakes alone. It seemed to me there must have been

some problem.

SMITH:

about 100 hours and overwork and all that. I saw that



1 in the newspapers.

2 CAPT. SEELEY: There is a tariff structure
3 there that is - perhaps I might use the word odd -
4 because from St. Regis to Kingston there is a pilotage
5 charge, a flat rate of \$200. The time taken is around
6 11 or 12 hours to do this pilotage job. You have two
7 locks. From the Welland Canal the pilot's charge is
8 \$125. You have eight locks there. The average length
9 of time is approximately 15 hours. Going up through
10 Detroit and the St. Clair River the charge is \$125.
11 The time is about 12 hours and there are no locks.
12 Going through the St. Mary River, the pilotage time is
13 5.1/2 hours, pilot's charge \$200 and one lock.

14 THE SECRETARY: How much is it on open lakes?

15 CAPT. SEELEY: Open lakes, it is \$50 per day.

16 THE SECRETARY: Is this over and above the
17 passage through these various channels?

18 CAPT. SEELEY: It is a straight charge.
19 There is also a charge of \$25 for taking a ship in or
20 out of a berth or mooring.

21 COMMISSIONER SMITH: A ship going from one
22 berth to another?

23 CAPT. SEELEY: Yes. This was put in as an
24 amendment partly to stop the local people in Toronto,
25 Hamilton, from doing this work.

26 THE SECRETARY: So Toronto and Hamilton
27 harbours are included then in the Great Lakes district?

28 CAPT. SEELEY: No, not in the district.
29 The districts are set up, Districts 1, 2 and 3, but
30 they only include this area here, the St. Lawrence.



CAPT. SMITH: There is a tariff schedule

there that is - perhaps I might not have said -

because from St. Regis to Kingston there is a pilage

charge, a flat rate of \$200. The time taken in around

11 or 12 hours to do this pilage job. You have two

locks. From the Welland Canal the pilot's charge is

\$125. You have eight locks there. The average length

of time is approximately 15 hours. During the trip

Detroit and the St. Clair River the charge is \$100

The time is about 15 hours and there are no locks.

going through the St. Mary River. The pilage time is

5.12 hours. Pilot's charge \$100 and one lock.

THE SECRETARY: How much is it on open lakes?

CAPT. SMITH: Open lakes, it is \$50 per day.

THE SECRETARY: Is this over and above the

passage through these various channels?

CAPT. SMITH: It is a separate charge.

There is also a charge of \$100 for taking a ship in or

out of a berth or moorage.

COMMISSIONER: When a ship comes from one

berth to another?

CAPT. SMITH: Yes, this was put in as a

amendment partly to stop the local people in Toronto

Hamilton, from doing this work.

THE SECRETARY: St. Lawrence and Hamilton

harbours are included under the Great Lakes district?

CAPT. SMITH: No, not in the district.

The districts are set up, Districts 1, 2 and 3, but

also have, the St. Lawrence,



1 THE CHAIRMAN: Restricted water.

2 THE SECRETARY: The \$25. you mentioned to
3 bring ships in, are they restricted waters?

4 CAPT. SEELEY: No, unrestricted waters; as
5 we refer to them, undesignated waters.

6 THE SECRETARY: Then Toronto---?

7 CAPT. SEELEY: Undesignated.

8 THE SECRETARY: Actually these pilots can
9 bring a ship into a Toronto harbour for which they get
10 \$25.?

11 CAPT. SEELEY: They not only can, they are
12 supposed to.

13 THE SECRETARY: So there is, in fact, a
14 conflict there between the properly organized pilotage
15 services and the privately operated ones?

16 CAPT. SEELEY: Yes.

17 MR. JACQUES: A fixed rate for a unique area
18 outside the district.

19 THE CHAIRMAN: It is not outside a district,
20 outside restricted water.

21 CAPT. SEELEY: No, it is not in the district,
22 but it is in the Great Lakes Basin, and the authority
23 of the Department of Transport and the Department of
24 Commerce - they have authority to license new pilots
25 for the whole Great Lakes Basin there.

26 THE SECRETARY: That is defined in the Act,
27 the Great Lakes Basin.

28 MR. JACQUES: Then for a local board to do it
29 on their own, aren't they doing something illegal?

30 CAPT. SEELEY: No.



1 COMMISSIONER SMITH: As far as you know are
2 the pilots in Districts 2 and 3 satisfied at being
3 civil servants?

4 CAPT. SEELEY: I would say yes, I think they
5 are, with the exception of the fact they consider they
6 have too big a work load.

7 COMMISSIONER SMITH: Complaints about hours
8 and so on; I have seen that in the newspapers.

9 THE CHAIRMAN: Of course, there is the
10 other question.: In Quebec they are not civil servants
11 and they are not going to have any help and they work
12 overtime.

13 CAPT. SEELEY: It is very unfortunate that
14 the pilots in District 2 spend more time on ships than
15 any of the districts in Canada.

16 THE CHAIRMAN: They don't want to have any
17 help because it is going to cut their fees.

18 CAPT. SEELEY: This is American pilots?

19 THE CHAIRMAN: No. 2, yes.

20 CAPT. SEELEY: No. 2 are the prevailing rate
21 employees. I am speaking of Canadians, sir. Their
22 work load is much heavier.

23 MR. JACQUES: How did you arrive at the
24 various figures for the number of Canadian pilots and
25 American pilots for these districts?

26 CAPT. SEELEY: I think the figures were
27 the number of pilots who were already employed, the
28 Canadian pilots who were already employed as such in
29 the Cornwall-Sarnia area, for instance, and it was felt
30 at that time according to the amount of shipping that

COMMISSIONER SMITH: As far as you know are

the pilots in Districts 2 and 3 satisfied at being

civil servants

CAPT. SHERBY: I would say yes, I think they

are, with the exception of the fact they consider they

have too big a work load.

COMMISSIONER SMITH: Could you say about how

and so on; I have seen that in the newspapers.

THE CHAIRMAN: Of course, there is the

other question. In Quebec they are not civil servants

and they are not going to have any help and they won't

CAPT. SHERBY: In its own department that

one pilots in District 2 spend more time on ships than

any of the districts in Canada.

THE CHAIRMAN: They don't want to have any

help because it is going to cut down the

CAPT. SHERBY: This is American pilots?

THE CHAIRMAN: No, 2, yes.

CAPT. SHERBY: No, 2 are the prevailing rate

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MR. JACQUES: How did you arrive at the

various figures for the number of Canadian pilots and

American pilots for these districts?

CAPT. SHERBY: I think the figures were

the number of pilots who were already employed, the

Canadian pilots who were already employed as such in

the Cornwall-Barnes area, for instance, and it was felt

at that time according to the amount of shipping that



1 12 American pilots would be sufficient and that would
2 make it 60 - 60 pilots.

3 MR. JACQUES: Is the agreement such that
4 the number of Canadian and American pilots would even-
5 tually be equal?

6 CAPT. SEELEY: Yes, that is right. We have
7 already dropped from 48 pilots down to - it will be 36
8 in the beginning of this season.

9 THE SECRETARY: Canadian pilots?

10 CAPT. SEELEY: Canadian pilots in District 2,
11 which is Cornwall-Sarnia.

12 THE SECRETARY: How many Canadian pilots
13 then in the Great Lakes Basin, in the three districts,
14 1, 2 and 3?

15 CAPT. SEELEY: Just Canadian and/or American?

16 THE SECRETARY: Canadian.

17 CAPT. SEELEY: In District 1 - it is rather
18 difficult - 21 licensed pilots in this Kingston district,
19 or District 1.

20 THE SECRETARY: That is St. Regis to Kingston?

21 CAPT. SEELEY: St. Regis to Kingston. There
22 are also two temporary registered pilots in open waters
23 on Lake Ontario.

24 THE SECRETARY: What do you mean by "tempo-
25 rary"?

26 CAPT. SEELEY: These men were given a
27 temporary licence on waters in Lake Ontario and it was -
28 they have passed the examinations for the St. Lawrence
29 River.

30 THE SECRETARY: That is all they do?



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1 CAPT. SEELEY: They were taken off to assist
2 in the open water pilotage. It might have been thought
3 that they would be taken in as regular licensed pilots.
4 There are 35 pilots in this Cornwall and Sarina area, or
5 District 2, and only three in District 3.

6 THE SECRETARY: How many American pilots now,
7 in each case? Would you have any idea?

8 CAPT. SEELEY: District 1 there are 12 pilots
9 and two temporaries licensed, temporary licenses of
10 Canadian pilots. Here I think there are about 22 at the
11 present time, in District 2, and 13 in District 3.

12 THE SECRETARY: Coming back to the Depart-
13 mental memorandum to which was attached some individual
14 descriptions of the pilotage organizations in the Mari-
15 times, it has been my understanding that the same thing
16 is being done for the other pilotage districts on the St.
17 Lawrence, Great Lakes and West Coast?

18 CAPT. SEELEY: That is right.

19 THE SECRETARY: Do I understand that these
20 individual papers will be available together shortly?

21 CAPT. SEELEY: I don't know that we can give
22 them to you together. We will try and keep ahead of you.
23 That is about the best we could do, I think.

24 THE SECRETARY: I was not referring to
25 statistical information, but general background and
26 history.

27 THE CHAIRMAN: History.

28 MR. JACQUES: The individual descriptions
29 appended to your memorandum.

30 CAPT. SEELEY: Yes, we hope to have some



1 more of these.

2 MR. JACQUES: Keep one jump ahead.

3 THE CHAIRMAN: Captain Jones - he is going
4 to travel with us and we can have a briefing from him
5 at the time.

6 CAPT. SEELEY: I think he would probably
7 be the one to say which ones could go on first and how
8 it should be laid out. Perhaps we can do a better job
9 on the future ones.

10 THE CHAIRMAN: These are well done.

11 CAPT. SEELEY: There is all kinds of statis-
12 tical data that we could provide you with, but you must
13 realize it takes quite a bit of time to dig this up.

14 THE CHAIRMAN: We may not need more than that.
15 It is enough briefing so that we know the general
16 geography of the place, the history and background.

17

18 --- (OFF RECORD DISCUSSION)

19

20 MR. JACQUES: Thank you, Captain.

21 THE CHAIRMAN: Thank you. That will be all
22 for today.

23

24 --- Whereupon the hearing adjourned.

25

26

27

28

29

30

more of these.

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tical data that we could provide for him, but you must

realize it takes twice a bit of time to dig this up.

THE CHAIRMAN: We may not need more than that.

It is enough briefing so that we know the general

geography of the place, the history and background.

MR. JACQUES: Thank you, Captain.

THE CHAIRMAN: Thank you. That will be all.

For today.

--- Whereupon the hearing adjourned.

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

CHARLOTTETOWN

P. E. I.

VOLUME No.:

1

DATE:

FEBRUARY **11** 1963

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3 ROYAL COMMISSION ON MARINE PILOTAGE

4 Public hearing held in the
5 Court House, Charlottetown,
6 Prince Edward Island, on
7 Monday, the 11th day of
8 February, 1963.

9
10 COMMISSION:

11 The Honourable Mr. Justice Bernier Chairman
12 Robert K. Smith, Esq. Member
13 Harold A. Renwick, Esq. Member

14
15 Mr. Gilbert W. Nadeau Secretary

16
17
18 COMMISSION COUNSEL:

19 Mr. Maurice Jacques, Q.C.

20
21
22 ALSO PRESENT:

23 Capt. F.S. Slocombe
24
25
26
27
28
29
30



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1 --- On commencing at 10 a.m.

2 THE CHAIRMAN: Well, gentlemen, this is our
3 first really public sitting, and we are very glad this
4 morning to come to what is the birthplace of Confederation.
5 This month we are sitting here at the Atlantic Ocean, and
6 next month we will be sitting, at the same date, in
7 Vancouver, all the way across Canada.

8

9 E.F. MacNUTT, sworn

10 THE SECRETARY: What is your name?

11 THE WITNESS: E.F. MacNutt.

12 THE SECRETARY: What is your occupation?

13 THE WITNESS: Civil servant.

14 THE SECRETARY: Which department?

15 THE WITNESS: The Department of Transport,
16 sir.

17 THE SECRETARY: You mean the Federal Civil
18 Service?

19 THE WITNESS: Federal Civil Service, yes.

20 MR. JACQUES: Sir, I should like to express
21 my thanks first for the co-operation I have had from Mr.
22 MacNutt and his associates, Mr. St. John and Mr. Osborne.

23 I should like first to file as the first
24 exhibit in Charlottetown a copy of the bylaws adopted in
25 June, 1962, as Exhibit 2.

26

27 --- EXHIBIT NO. 2: Copy of bylaws of Pilotage District
28 of Prince Edward Island - June, 1962.

29 MR. JACQUES: And, secondly, I should like
30 to file copies of annual reports for 1961, 1960, 1959,



1 1958, 1957, 1955, 1954 and 1953 as Exhibit 3.

2

3 --- EXHIBIT NO. 3: Copies of annual reports for 1961,
4 1960, 1959, 1958, 1957, 1955, 1954
5 and 1953, submitted by Pilotage
6 Authority for the district.

7 EXAMINATION BY MR. JACQUES:

8 Q. Mr. MacNutt, from the annual reports
9 filed by the Local Pilotage Commission, you have been in
10 office as Chairman since 1946. Would you please tell the
11 Royal Commission how pilotage has been administered in
12 Charlottetown and Prince Edward Island since you have been
13 in office, giving broad outlines of what has been done to
14 promote the welfare of the pilots and to promote their
15 efficiency?

16 A. Your Honour, I took over from the
17 former Chairman, I believe, in 1946; I believe that that
18 is correct. We have three Commissioners, a Secretary,
19 who is now Mr. Osborne, our Superintendent of Lights with
20 our Marine Agency in Charlottetown, and Mr. Russell St.
21 John, our Collector of Customs. We are all federal civil
22 servants. We act as the Pilotage Commission for Prince
23 Edward Island. We handle all ports in Prince Edward
24 Island, and the active ones are, starting from the north
25 of the island, Alberton, Summerside, Charlottetown,
26 Georgetown, Montague and Souris.

27 Georgetown and Montague are both in the
28 same harbour.

29 COMMISSIONER SMITH: Would you mind
30 repeating those again?

THE WITNESS: Alberton, Summerside,



1 Charlottetown, Georgetown, which includes Montague - it
2 is two little towns in the same harbour - and Souris.

3 Q. Would you, on Canadian Chart 4490,
4 which will be filed as Exhibit 4, indicate in red the
5 various places which you have just mentioned?

6 (Witness complies)

7
8 --- EXHIBIT NO. 4: C.H.S. Chart 4490, Atlantic Coast,
9 Gulf and River St. Lawrence.

10 THE CHAIRMAN: I gather all these ports
11 you mentioned form the former districts before the amal-
12 gamation?

13 THE WITNESS: Pardon? Were they separate
14 districts before? Not that I am aware of before, sir.

15 THE CHAIRMAN: It would seem there were
16 five districts prior to 1931, and they were amalgamated
17 into one in 1931.

18 THE WITNESS: It is quite possible. That
19 was before my time. It is quite possible. I have been
20 in the service since 1936.

21 MR. JACQUES: Sir, if I may say, a complete
22 history of each pilotage district will be prepared. The
23 task involved was monumental. You can see some districts
24 date back to 1878 and 1860, and some of them are yet
25 older. The history will refer to each and how it was
26 adopted, district limits, rates, etc.

27 Q. Would you carry on with your expose,
28 Mr. MacNutt?

29 COMMISSIONER SMITH: My Lord, before Mr.
30 MacNutt carries on, it would be interesting to know why



1 the change was made in 1931 from the five or six districts
2 into one overall district.

3 MR. JACQUES: We can hear on that point
4 from an officer from the Department, sir.

5 COMMISSIONER SMITH: Fine.

6 THE CHAIRMAN: You have that to come?

7 MR. JACQUES: Yes, sir.

8 THE WITNESS: I just covered the districts
9 that we have in these three ports, that we have in our
10 district.

11 Our officers, three of us, select and
12 appoint and give licences to the pilots in our district.
13 We have a new bylaw, in 1962, that was printed, and I
14 think we got it distributed to the various pilots in
15 September last year. We have a bylaw, and this one super-
16 seded the former bylaw which I think was in 1940 - I am not
17 sure of the date of the one prior to that.

18 THE CHAIRMAN: That was the one filed as
19 Exhibit No. 2 you are talking about?

20 MR. JACQUES: Yes, sir.

21 THE WITNESS: Yes, sir, I think so.

22 Q. Would you explain to the Commis-
23 sioners the procedure followed for the issuing of licences?

24 A. We try to keep one pilot, at least,
25 in each port, every one of these ports. We select them,
26 we try to get the different shippers, the shipowners in
27 the district, working in that district, to make recommen-
28 dations for a pilot in that district or that port. If a
29 man wants to become a pilot, he approaches us, we ask for
30 a recommendation from the shipper in that district, and



1 we call him in, interview him, get his background and see
2 about his ability, and then we give him some practical
3 tests; we put him on one of our own Department of Trans-
4 port ships, if we have a ship in that vicinity, and the
5 captain of that ship examines him on his ability to
6 handle that ship, whether he knows the harbour, knows the
7 bay system, the district, knows the water, has some know-
8 ledge of the rules of the road, and so forth, and the
9 captain reports to us.

10 His examination of that man is to see
11 whether he is qualified, and we call him in before a
12 Board, discuss it with him, examine him, and if we think
13 he is suitable, we issue him a pilot's licence.

14 COMMISSIONER SMITH: Without any home and
15 inland water trade experience, certificates?

16 THE WITNESS: Unfortunately, sir, we are
17 unable to get anyone in these ports with these qualifica-
18 tions. He may have been a fisherman in that port. If it
19 is at all possible, we will try to get a man who has
20 officer's experience, home trade officer's ticket. It is
21 very difficult to get a man like that in these ports.

22 THE CHAIRMAN: It is a lack of candidates?

23 THE WITNESS: That is correct.

24 Q. The men who have been chosen and
25 who are acting as pilots now, do they give satisfaction to
26 shipowners? Have you had any complaints about them?

27 A. It is my opinion they do give satis-
28 faction. We have had practically no complaints from ship-
29 pers. We watch them very closely; we find out if they are
30 giving satisfaction, the men are dependable, particularly,



1 and most of them have been in the job for a number of
2 years and they should know their job.

3 Q. I understand, sir, that a ruling
4 has been made by the Commission as regards the docking
5 and undocking of vessels. Would you explain that ruling
6 to the Commission, please?

7 A. As I mentioned before, it is very
8 difficult to get pilots who have had any experience on
9 ships; that is, have home trade tickets. Therefore, they
10 haven't had too much experience on board ship for manoeu-
11 vering the ship. Therefore, we tell our pilots that they
12 must inform the master, when they board his ship, that when
13 they come into the dock he is responsible for docking the
14 ship himself, that they haven't sufficient knowledge to
15 manoeuver that ship into the dock.

16 THE CHAIRMAN: It is a warning?

17 THE WITNESS: Yes, it is a sort of a
18 warning. We had one case where a pilot tried to dock a
19 ship and he did slight damage to it. But we have warned
20 them all since; the master must be warned when he goes on
21 board, that he must dock his own ship.

22 Q. How long ago did that incident
23 occur?

24 A. I would say probably six, seven,
25 eight years ago.

26 Q. So it has been working for the past
27 six years?

28 A. Oh, yes.

29 Q. To your knowledge, do the pilots
30 conform to this ruling?



1 A. I think so.

2 Q. Have you received any remarks from
3 shipowners or masters concerning this ruling?

4 A. You mean comments whether it was
5 satisfactory?

6 Q. Yes.

7 A. No, I don't think we have had
8 adverse comments or comments for. We have had no
9 complaints on it, since that time. We did, at that time,
10 but not since then, that I recall.

11 THE CHAIRMAN: Was that ruling made after
12 that incident or before?

13 THE WITNESS: It was made after, sir.

14 Q. It was an action which you took as
15 a result of this accident?

16 A. Yes. It was a very minor accident,
17 but it was enough to bring it to our attention.

18 Q. Since that accident have pilots
19 been involved in other accidents, marine casualties?

20 A. There was one case in Souris about
21 two or three years ago where a ship grounded, but that was
22 investigated and there was a report from the pilot and it
23 doesn't seem to be the fault of the pilot at all. The
24 ship went too far in and he went to drop his anchor and
25 apparently his anchor went through the bottom of a section
26 of the ship and did some damage.

27 Q. So these are the only two major
28 accidents in the past six years?

29 A. Yes.

30 Q. Under the bylaw the Secretary has



1 the direction of the pilots. Could you tell the Commis-
2 sion whether this direction of pilots has been limited to
3 the ruling which you have just expressed?

4 A. Well, we limit the different pilots
5 to their own ports. Each pilot is only permitted to
6 operate out of his own port. About two or three years
7 ago we tried to have a relief pilot available to handle
8 any one of these ports. We couldn't get two; and, besides,
9 there is very little revenue in the ports. We put two
10 in to divide them up - it doesn't amount to very much -
11 and we tried to have one man, pilot, in all the ports.
12 He has since retired, age limit. This was in the case of
13 sickness of a pilot. Since then we tried to get another
14 man to fill that same position, to operate all ports, but
15 we haven't been able to do it. We had a man about a year
16 ago, but he found other employment and he couldn't take
17 it on.

18 Q. This is the limitation which you
19 include in the licence when you issue a licence to a
20 pilot?

21 A. That is correct.

22 Q. Is there a time limitation in the
23 licence which you issue?

24 A. There is. We try to follow the
25 Canada Shipping Act, and that is a man up to 65. We
26 issue him a licence, and we watch to see if he is quali-
27 fied or see if his health continues good up to 65. We
28 call him in, and then he is only issued on a yearly basis.

29 Q. But prior to that he has a licence
30 without a time limit attached to it?



1 A. That is correct. I think that is
2 correct, and then until 70 we can issue him a licence on
3 a year-to-year basis or a two-year basis. It depends how
4 his ability appears to be up to 70, and after that he is
5 automatically out under the Act.

6 Q. Can you describe the facilities
7 available for boarding vessels by a pilot?

8 COMMISSIONER RENWICK: Before we leave
9 that last subject, could I ask how you carry on now?
10 If a pilot in any port retires, are you not at an
11 impasse there?

12 THE WITNESS: Supposing a pilot is not
13 available in one of the ports, we are, yes. In the case
14 of Georgetown we already have two pilots there. We would
15 like to see another pilot in Summerside or Charlottetown,
16 or someone to cover the whole territory. We have been
17 trying to get somebody, and I feel we should have somebody
18 to cover all ports.

19 Q. Would you answer the question
20 concerning the pilot boats and the facilities for boarding
21 vessels?

22 A. About the only boat, the so-called
23 pilot boat that is operated by the pilot here in Charlotte-
24 town; it is his own boat. He uses it to board ships out-
25 side of Charlottetown harbour. It is his own motor boat.
26 The other pilots either use their own motor boats or they
27 generally hire a local boat in the harbour to put them
28 aboard the ship or take them off.

29 In that case, those pilots who hire the
30 other boats would be paying for the use of those boats.



1 The Charlottetown harbour pilot owns his own boat and he
2 is permitted to charge - he can charge up to \$15.

3 Q. You are referring to the schedule
4 bylaw filed as Exhibit 2?

5 A. Yes. At the end of our bylaw. The
6 pilot boat charges for vessels not over 200 tons, \$10,
7 and vessels over 200 tons is \$15. The reason for that is
8 that there are a lot of small trading motor vessels in
9 from Newfoundland that trade here that run around 200
10 tons.

11 Often they may be master-owned and the
12 crew may be a family crew. That is the reason for the
13 difference in the charge. These people cannot pay as
14 high a charge as a large steamer or large ship, and the
15 pilots themselves feel that they could look after them on
16 less charge, and another thing is, if they attempted to
17 charge them too much, these chaps would not take them as
18 pilots, so they had to keep the pilotage as low as
19 possible and get a better chance of getting the service
20 and getting revenue from them.

21 Q. They get more work that way?

22 COMMISSIONER SMITH: I do not know if I
23 understand on this point "boat hire" and so on. There are
24 a lot of items here, expenses for boat hire. Each pilot
25 apparently has put in ---

26 THE WITNESS: That is under the annual
27 report. You are speaking about the list on your annual
28 report?

29 COMMISSIONER SMITH: That is right.

30 THE WITNESS: That is what the individual



1 pilot reports to us. He is putting that in, charging
2 that as his boat hire. Well now, that is only his report.
3 We assume that is what he has paid out or what he thinks
4 that costs him.

5 COMMISSIONER SMITH: That is a matter
6 between himself and the man he hires the boat from?

7 THE WITNESS: Yes, but he has a ceiling
8 over him in charging the ship.

9 Q. The deduction from his earnings -
10 there is no ceiling if, in fact, the pilot boat costs him
11 more than \$10 for one trip out to a ship, from his
12 earnings he would deduct the actual cost?

13 A. In some cases I believe they do,
14 but they are permitted to charge \$1.50 a foot plus one
15 cent per ton net tonnage plus the boat charge.

16 In some cases they may be absorbing the
17 cost of the pilot boat, but in some cases - one pilot
18 never puts a charge in there at all, the man in Summer-
19 side, but it is an estimate of the cost of their pilot
20 boats to the pilots hiring them, or what they think it
21 costs them.

22 THE CHAIRMAN: Before you go further with
23 regard to the question of facilities and the rates, I
24 gather there is no compulsory pilotage here?

25 THE WITNESS: No compulsory pilotage here.

26 THE CHAIRMAN: In practice, do all small
27 vessels take on pilots?

28 THE WITNESS: No.

29 THE CHAIRMAN: They do not? Even with that
30 low rate of fees?



1 THE WITNESS: There is very few. Only if
2 a boat comes here first, the captain might take a pilot
3 on, but once he has been in one harbour once, then he
4 will come in himself after that and will not take a pilot.
5 It is only the very large ships that continue to repeat
6 taking pilots, like the big oil tankers that come in.
7 That is for protection for themselves. They have a pilot
8 on board, but the small traders and the small boats that
9 make regular calls, they do not have pilots.

10 THE CHAIRMAN: Those coming from Newfound-
11 land that you were talking about earlier?

12 THE WITNESS: They do not take pilots
13 unless it is the first time they are in and they do not
14 know the coast in, but once they have been in they do not
15 take a pilot after that. It will cost them something
16 after that, and they figure once they are in they know as
17 much as the pilot about how to get in or out.

18 THE CHAIRMAN: You do not have any casual-
19 ties with that?

20 THE WITNESS: I do not think there are any
21 casualties that I am aware of.

22 THE CHAIRMAN: So therefore, with regard
23 to security, it is not bad?

24 THE WITNESS: You mean it is safe? The
25 way they are operating it is safe?

26 THE CHAIRMAN: Yes, so therefore he
27 could enter without the pilot?

28 THE WITNESS: Well, ourselves, we have not
29 had any casualties.

30 COMMISSIONER SMITH: Following His



1 Lordship's line of questioning, has your Commission ever
2 given any thought or consideration to the question of
3 compulsory pilotage? Apparently Prince Edward Island
4 district is the only one where they have the voluntary
5 system and pilotage is looked upon everywhere as a safety
6 measure, and you say you have had no casualties here.

7 I do not remember seeing any recently, but
8 I seem to recall in the old sailing days, one of the
9 famous sailing ships, the Marco Polo or the Cutty Sark,
10 one of those famous sailing ships went aground somewhere
11 in this Garden of the Gulf, and I am wondering if any
12 very serious consideration has been given to the question
13 of compulsory pilotage, which is acknowledged to be a
14 safeguard for shipping. You say there have not been any,
15 but that does not mean that something might not happen in
16 the future.

17 THE WITNESS: I will take the first question
18 about the famous Marco Polo. Yes, it was wrecked, but it
19 was not wrecked coming into port. It was not anchoring
20 in any port. It was coasting across the Gulf, as I
21 recall the history. I do not know firsthand - it was
22 before my time, but just from reading history I believe
23 part of her anchor where she actually went ashore was
24 discovered a couple of years ago near the famous Caven-
25 dish Beach. She was just coasting across the Gulf, not
26 entering the harbour.

27 About the compulsory pilotage, we have
28 never given any serious consideration to making it compul-
29 sory. The pilots probably would like to have it that way,
30 but we certainly had no demand from the shipping



3 1 interests to have it compulsory. As far as our Commission
2 is concerned, we do not feel that it is necessary for
3 safety.

4 We are providing a service, or trying to
5 provide a service by keeping pilots in each port, and we
6 try to keep qualified men as pilots, and it seems to be
7 working very satisfactorily as far as we can see. I did
8 not know that we were the only district that was not
9 compulsory. I was not aware of that.

10 COMMISSIONER SMITH: I think yours is the
11 only one that is on the voluntary system in the whole of
12 Canada.

13 Q. Now, sir, if you will come back to
14 the pilotage rates that we talked about a few minutes ago,
15 would you tell the Commission how long you have had a
16 boat charge here in Charlottetown, roughly speaking?

17 A. I think we only put that in our
18 Act in this last 1962 one. I do not think we had it in
19 the previous one as I recall. I am not too sure of that.

20 Q. Were there any negotiations between
21 pilots, yourselves and shipping interests concerning this
22 boat charge?

23 A. We had a meeting some years ago of
24 the shippers. Pilotage rates were rather low, and the
25 pilots were complaining a bit about the rates, and we
26 looked into the pilotage charges around the Straits, such
27 places as Pictou, Pugwash and the Miramichi area and
28 places like that. We discovered the pilots were often
29 getting very low rates, and we brought the principal
30 shippers in along with the pilots, and we had a little



1 informal meeting, where we came to agreement that the
2 pilots' rates were low, and the shippers were quite
3 satisfied, and they went up. Of course, the pilots were
4 happy, and we raised the rates.

5 I believe this was around seven or eight
6 years ago that these rates were raised. I am not too
7 sure when we put in the pilotage boat charges, but I
8 believe it was in the last one. It went in in 1962;
9 last Fall. Actually, before that time, the pilots
10 absorbed the boat charges in their pilotage rates. They
11 got so much, and they had to absorb what it cost them to
12 get out and in.

13 Q. At whose request were these negotia-
14 tions made?

15 A. The pilots themselves felt they
16 should be compensated for the boat charges, although it
17 was only one pilot that owned his boat and the rest had
18 to hire boats, and they felt they should have extra
19 compensation for it, and we felt it was reasonable and
20 we recommended it and we got it in the bylaws.

21 Q. Have you had any other requests
22 from pilots concerning increase in the pilotage dues or
23 modification of the basis on which dues are charged?

24 A. No, we have not had since we had
25 that meeting around six or seven years ago. The pilots
26 have not approached us for an increase in rates that I
27 am aware of. They seem to be reasonably satisfied with
28 the rates.

29 Q. Now, sir, to come back to the point
30 that we touched on a moment ago, is the present set-up



1 of having pilots for each port, each main port, working
2 satisfactorily?

3 A. Yes, I would say so. We were
4 talking a little while ago that we should have a relief
5 pilot that could go in. We think the best thing is to
6 have another pilot that could handle all other ports, to
7 be available if anything happened to one of these pilots.
8 We are sort of in a spot if he is not available, and it
9 would be nice if we could have two pilots, but the living
10 is so low we would have two men competing for very low
11 revenue.

12 Q. To your knowledge is pilotage the
13 sole occupation of these pilots?

14 A. All these men are part-time pilots
15 only. They have other occupations.

16 Q. Does the other occupation interfere
17 with their pilotage?

18 A. No. That is one thing, when we
19 give a man a licence we would find out if it would. If
20 he could not be available to go at any time, then we would
21 not give him a licence.

22 Q. So it is a tacit condition of your
23 granting a licence that the other employment would not
24 interfere?

25 A. It would not interfere with his
26 pilotage duty. He would be available at all times to be
27 able to take on a job when required.

28 Q. Since you are in office have you
29 had problems concerning discipline of pilots?

30 A. No, we have not had occasion to



1 discipline a pilot as I can recall.

2 MR. JACQUES: Thank you, sir.

3 THE WITNESS: We had one problem with a
4 man in Summerside one time. He ran a ship into a wharf,
5 and I had to go up and talk to him.

6 Q. That is the only action you took?

7 A. We told him he would have to be
8 more careful or else. Oh, I am sorry. I do recall a
9 case, yes. We had one case that we took the licence
10 away from the pilot here in Charlottetown.

11 Q. For what reason?

12 A. You could not depend on him. It
13 was reported that he had gone aboard ship drinking. The
14 master was not satisfied with conditions and reported to
15 us, and we had a second report, and we took his licence
16 from him. I had overlooked that case. I would say that
17 was about six, seven or eight years ago.

18 Q. Now, sir, do you feel that an
19 apprenticeship system might be of use here in Charlotte-
20 town or in Prince Edward Island?

21 A. I think it would be a very good
22 idea, but we would have to get the local pilots to agree
23 to take an apprentice with them and try to give them some
24 training. It would certainly be a help if we could work
25 it out. It would have to be a voluntary arrangement
26 because that is the way we are working, a voluntary
27 arrangement with the pilot.

28 COMMISSIONER SMITH: The pilot would have
29 to get more income, I take it, to take on more responsibi-
30 lity training apprentices. Their earnings, as I see them,



1 are very low.

2 THE WITNESS: Yes. You have in mind if an
3 apprentice goes on he would be paid?

4 MR. JACQUES: Not necessarily paid. He
5 may be paid or not paid. I am not expressing any opinion
6 on that point. I am just thinking that perhaps an
7 apprenticeship system would obviate many of the difficul-
8 ties you have in approving people.

9 THE WITNESS: There is no means of paying
10 them now that I can see in our set-up. If we said an
11 apprentice wanted to learn to be a pilot, it would have
12 to be on a voluntary system. He would have to give his
13 own time to it and get some help from the pilot in the
14 port.

15 COMMISSIONER SMITH: I do not think you
16 can achieve that without some remuneration.

17 THE WITNESS: I think it is a good question,
18 too. We had one case of a chap in Summerside; he said
19 he wanted to be a pilot, and he came down to see us and
20 we told him the things he would have to learn and what
21 he would have to know. We asked him if the local pilot
22 up there, if he was a friend of his, and would he take
23 him out with him. He said, yes, he would. I said "All
24 right, go out any time you can and learn what you can."
25 That is voluntary. No remuneration attached to that at
26 all. The chap wants to go out to learn and the pilot
27 there is going to take him out.

28 MR. JACQUES: Thank you, sir.
29
30



1 EXAMINATION BY MR. LANGLOIS:

2 Q. Mr. MacNutt, are all your pilotage
3 licences issued by your Commission limited as to tonnage?

4 A. Limited to tonnage?

5 Q. Limited as to tonnage.

6 A. No.

7 Q. They are not? I do not know if
8 you have this information. Are you in a position to
9 inform the Commission as to the number of ships that use
10 pilots in each of the five areas?

dpw 11 MR. JACQUES: This information will be
12 supplied by the Secretary, the breakdown of the name of
13 the ship and the revenue of each ship.

14 COMMISSIONER SMITH: I think we should
15 have also the total amount of traffic. I am speaking
16 of the traffic overall.

17 MR. JACQUES: That could be figured out.

18 COMMISSIONER SMITH: I think it is impor-
19 tant we have that, all the traffic.

20 MR. JACQUES: You have, in the annual
21 report, the total tonnage.

22 THE WITNESS: Our Secretary has all the
23 records of that.

24 COMMISSIONER SMITH: Your records would
25 only cover those you serve?

26 THE WITNESS: That is right.

27 COMMISSIONER SMITH: I am speaking of all
28 of the traffic.

29 THE WITNESS: All the traffic that goes into
30 each of the ports?



1 COMMISSIONER SMITH: Exactly.

2 THE WITNESS: We wouldn't have that
3 record.

4 COMMISSIONER SMITH: No.

5 THE WITNESS: The only possible record -
6 the Customs Inspector may have some, but the local
7 traffic wouldn't be recorded I don't think.

8 MR. JACQUES: We could obtain, sir, this
9 information on a tonnage basis of merchandizing goods
10 shipped out of Prince Edward Island and received in
11 Prince Edward Island from the statistics of the Dominion
12 Bureau of Statistics.

13 COMMISSIONER SMITH: If the tonnage is
14 broken down into the ships entering and clearing, then
15 that is all right, but the tonnage itself wouldn't be
16 sufficient.

17 MR. JACQUES: We might be able to get
18 this information by obtaining the number of clearances
19 in and out from the Customs people.

20 COMMISSIONER RENWICK: As a matter of fact
21 the annual statements up to and including 1960 give the
22 number of vessels. For example, in 1950, there were 24
23 British vessels and 23 foreign vessels.

24 MR. JACQUES: These are vessels that took
25 pilotage. We are talking about vessels that do not.

26 COMMISSIONER SMITH: Overall, those that
27 don't take pilotage.

28 MR. JACQUES: We will make inquiries and
29 try to supply these.

30 THE CHAIRMAN: Most of the larger vessels



1 always take pilotage so therefore they would all be there.
2 Most of the traffic would be in those figures, the large
3 vessels.

4 MR. JACQUES: Heavy traffic, but not always
5 local traffic.

6 THE CHAIRMAN: It might not be there at
7 all or very little of it. All right, you may go on.

8 Q. You say no certificate of competency
9 is required of a candidate for pilot's licence. Do you
10 make it a requirement that the candidate has, at least,
11 some sea experience?

12 A. We would like to, but in some cases
13 we cannot get them with sea experience. They are mostly
14 local fishermen in the port that know their own harbour.

15 Q. Am I to assume then that this other
16 occupation - you say your pilots are part-time pilots -
17 am I to assume this other occupation is fisherman, in
18 most cases?

19 A. That is right.

20 Q. These boat charges were set
21 by your Commission?

22 A. Yes.

23 Q. Do you control as to whether or not
24 these charges are, in effect, the charges made to boats
25 being piloted? Do you have any control?

26 A. No. When we set it, we put, more
27 or less, a ceiling on it. They may charge less. They
28 may not even charge. It is up to the pilot himself. If
29 he decides not to charge them that is up to him. He may
30 absorb that in his pilotage fees.



1 Q. Can it also happen in some cases
2 he charges more without you knowing about it?

3 A. I am afraid I couldn't answer that
4 for you. If he would I would think there would be some
5 complaints from the agents or the owners of the ships, or
6 the masters would come to us, and I don't think we have
7 had any cases of that, trying to charge more.

8 Q. Who makes the charge to the ship-
9 owner or the shipping agent for pilotage dues? Is that
10 the pilot?

11 A. The pilot himself.

12 Q. It is not done through your Commis-
13 sion?

14 A. It is not done through us at all.
15 We don't handle any funds. It is done only by the pilot.
16 The shipowners or masters make their own contact with the
17 pilots and the pilots collect from them, whoever makes
18 the contact.

19 Q. Am I to understand these revenues
20 also go direct to the pilots? In other words, there is
21 no pooling of the revenues?

22 A. No, sir. It goes to the individual
23 pilot in the port in which he is engaged. He is paid for
24 the job.

25 Q. Who does the despatching of the
26 pilots?

27 A. The contact is made with the indi-
28 vidual pilot through the master or through the shipowner
29 or through the agent, and he is requested to be out to
30 pick up the ship at such-and-such a place at such-and-such



1 a time. It isn't despatched through us or through the
2 Secretary. It is done individually with the pilot in the
3 port, the individual pilot in the port.

4 Q. Let us assume a case of a ship
5 coming to Charlottetown and that ship has no local agent;
6 how does the master go about getting a pilot?

7 A. He may wire the Harbourmaster in
8 Charlottetown and say he wants a pilot and the Harbour-
9 master can contact the local pilot. Occasionally it may
10 come through us, the Department of Transport. We would
11 simply pass it to the pilot. In very few cases it does.
12 If he has no agent it would probably come to the Harbour-
13 master.

14 Q. This procedure of obtaining a pilot
15 in Charlottetown and other ports, is this procedure
16 mentioned or given in the St. Lawrence Pilot book, do
17 you know?

18 A. I can't answer that. I know the
19 St. Lawrence Pilot book. I refer to it often. I am not
20 sure if that is in it or not. I would hardly think it is
21 in the recent edition because this only came out in 1962
22 and I think the St. Lawrence is 1958, 1957 or 1958. I
23 think that is the last one.

24 Q. That is the last one. Now, you
25 said that the ship in Charlottetown could wire the
26 Harbourmaster. Is there a Harbourmaster at, for example,
27 Montague or Georgetown?

28 A. We have a Harbourmaster in Souris,
29 in Georgetown, in Charlottetown and in Summerside. I
30 don't believe we have a Harbourmaster in Alberton; I



1 don't think so.

2 Q. So, if a ship is not equipped with
3 radio telephone or wireless, in the case of a ship of
4 that kind without wireless or radio telephone there is
5 no possibility of getting a pilot if he wishes to have one?
6 Is that the case?

7 A. Assume that he didn't make arrange-
8 ments, if he had no communication with the shore, before
9 he left his own port and he decided en route that he
10 should have a pilot, that would be so. There is no
11 communication.

12 COMMISSIONER SMITH: Mr. Langlois, would
13 you mind me asking a question? I don't want to interrupt
14 your train of thought. It is along the same line.

15 MR. LANGLOIS: Go ahead, sir.

16 COMMISSIONER SMITH: Do you know of any case or
17 cases where the master of a ship in any of these ports
18 tried to get a pilot and couldn't get one?

19 THE WITNESS: I can't recall any case.

20 COMMISSIONER SMITH: All right, thank you.

21 Q. Would it not be possible, Mr.
22 MacNutt, to have a system by which a ship getting near
23 the entrance of Charlottetown could give a signal by way
24 of a flag, by putting up the pilot's flag through the
25 lighthouse keeper, who would, in turn, 'phone his request
26 into the Harbourmaster? Would that be possible?

27 A. Yes, I believe it would. Coming
28 into Charlottetown harbour they generally take the pilots
29 at Point Prim, I think, which has a lighthouse there.
30 That might be possible.



1 Q. Could a similar arrangement be made
2 for the other ports?

3 A. Not quite as well because entering
4 the other ports, for instance, Souris, the lighthouse
5 keeper is right in the harbour. It wouldn't be possible.
6 It wouldn't be seen. At Summerside it couldn't be done
7 because we have an automatic light there. Charlottetown
8 is about the only one that might be done.

9 MR. JACQUES: If I may interrupt; Chart
10 4466 will be Exhibit 5. It is the entrance to Charlotte-
11 town. It is the Hillsborough Bay chart. Exhibit 6 will
12 be Chart 4460, Charlottetown harbour. Exhibit 7 is
13 Chart 4419, being Souris harbour and approaches and
14 lastly, Exhibit 8 will be Chart 4459, Summerside harbour
15 and approaches.

16
17 --- EXHIBIT NO. 5: C.H.S. Chart 4466, Hillsborough Bay.

18 --- EXHIBIT NO. 6: C.H.S. Chart 4460, Charlottetown
19 Harbour.

20 --- EXHIBIT NO. 7: C.H.S. Chart 4419, Souris Harbour.

21 --- EXHIBIT NO. 8: C.H.S. Chart 4459, Summerside Harbour.

22 Q. What is the furthest distance out
23 to sea that a pilot boat has to go to board a ship?

24 A. I would say probably the longest
25 distance is right here in Charlottetown, going to Point
26 Prim; I would say, perhaps, around seven miles.

27 Q. Seven miles?

28 A. Yes, possibly. Sometimes these
29 ships come in a little closer, but this is the furthest
30 out, about seven miles at Point Prim. The other ports,



1 say, Summerside, they generally take the pilot off at
2 Fairway Buoy, which is probably four or five miles out.
3 It may not be over three, three to five miles. If we had
4 a chart we could take it off. I am taking it from
5 memory.

6 Q. Would you place in red on Chart
7 4466, Exhibit 5, the place where the pilots usually
8 board?

9 A. They usually board off here, off
10 Point Prim. Sometimes they come into about here (indi-
11 cating).

12 MR. JACQUES: Would you indicate that
13 place by letter A.

14 THE CHAIRMAN: On each chart use the same
15 letter.

16 THE WITNESS: They generally pick up the
17 pilot around here. I am inside the buoy here. They
18 generally make this buoy (indicating).

19 MR. JACQUES: When you refer to a buoy
20 you refer to Prim Reefs?

21 THE WITNESS: Fitzroy Buoy. Some of the
22 ships will come in there if they have been in before.

23 COMMISSIONER SMITH: What is the average
24 length of time it takes the pilot?

25 THE WITNESS: Pardon, sir?

26 COMMISSIONER SMITH: What is the average
27 length of time it takes the pilot from the time he boards
28 the ship at Point Prim until he ties the ship up at the
29 piers in Charlottetown?

30 THE WITNESS: We will eliminate the



1 waiting if he is out an hour or two early. From the
2 time he left Charlottetown it would take him an hour out
3 and he should take a ship in in an hour. It could be done
4 in two hours, two-and-a-half hours. If he knows, he
5 will probably be out at the ship waiting for it. He
6 could be anywhere from two-and-a-half hours to three or
7 four or five hours.

8 COMMISSIONER SMITH: I am speaking about
9 the actual time he is behind the helmsman of the ship.

10 THE WITNESS: Coming in, about one hour
11 or less. It wouldn't exceed one hour.

12 MR. JACQUES: What is the distance from
13 pickup point to Charlottetown, from point A?

14 COMMISSIONER SMITH: He mentioned seven
15 miles.

16 THE WITNESS: It is around eleven miles
17 to go out to Point Prim, but a lot of the ships will
18 come inside of there.

19 MR. JACQUES: You are referring to Fitzroy
20 Buoy?

21 THE WITNESS: Fitzroy Buoy, sometimes they
22 come through there. Some of the ones that have come in
23 previously will often come in there. If they go out
24 there it is about eleven miles to Point Prim. There is
25 a difference out there, about seven to eleven miles.

26 Q. Would you also indicate on Exhibit
27 7 the place of boarding of pilots with the same letter A
28 for Souris harbour?

29 MR. JACQUES: What would be the distance
30 in?



1 THE WITNESS: It is approximately a mile
2 and one quarter at Souris.

3 Q. Would you put the same thing on
4 Chart 4459, Exhibit 8, Summerside harbour?

5 MR. JACQUES: The pilot is picked up off
6 Fairway Bay as indicated on Exhibit 8 by the letter A.

7 THE WITNESS: Five miles.

8 MR. JACQUES: Five miles.

9 Q. Now, what type of a boat, craft,
10 is used as a pilot boat here in Charlottetown?

11 A. He has got a large motor boat.
12 The pilot here uses a large motor boat. I would say it
13 was, I am not too sure, probably 30, 35 feet.

14 Q. What about the other ports?

15 A. They use ordinary fishing boats,
16 which would be about the same, around 30-35-foot boats.

17 Q. Am I to understand that the pilots
18 supplying the boat would have also to supply a man to
19 handle the boat or does he tie the boat to the vessel?

20 A. He would have to take a man with
21 him to operate the boat, put him on board and the man
22 would take control of the boat, bring it back into the
23 port. He would have to have a man with him. If you are
24 renting the boat you would rent the man with it, put him
25 on board.

26 Q. Are your pilotage rates the same
27 for all five ports?

28 A. For all ports.

29 Q. What is the average yearly revenue
30 of your pilotage?



1 A. In Charlottetown - I believe I
2 would have to go to the records - I think it is around
3 \$4,000. It is around \$4,000.

4 Q. You mean gross? Does that include
5 boat hiring?

6 A. Yes.

7 Q. Have you got the same information
8 for the other ports?

9 A. Offhand, I haven't. I haven't got
10 them in my head. But the total revenue for all ports,
11 I think, last year were somewhere around \$7,500. But
12 that will be in the Secretary's records, in his file.
13 He will have all those details for you.

14 MR. LANGLOIS: That is all. Thank you,
15 Mr. MacNutt.

16
17 EXAMINATION BY MR. JACQUES:

18 Q. Sir, before you leave, I would to
19 clarify one point. You mentioned that you were the
20 Department of Transport officer here in Charlottetown.
21 Can you say if it has any connection with the local
22 Pilotage Commission? I wouldn't want the Royal Commission
23 to be under the impression that there is a necessary
24 connection between the two in this particular area.

25 A. Well, I think if I get your
26 question correctly, my title is District Marine Agent
27 for the Department of Transport and Marine Services.
28 We were told by the Department of Transport some years
29 ago to set up this Pilotage Commission and supervise it,
30 give service to the public. We are not paid, I am not



1 paid, the Secretary is not paid, Mr. St. John, of
2 Customs, is not paid. We are not paid anything extra
3 for the job we do on the Commission.
4

5 EXAMINATION BY MR. LANGLOIS:

6 Q. I have a further question. When
7 your Commission sits for the purpose of examining candi-
8 dates for a pilot's licence, do you call in the pilots
9 as advisors to your Commission, when you call a pilot in,
10 you have a candidate to become a pilot, and you call him
11 to your office for a licence?

12 A. When we issue a licence?

13 Q. Yes. Do you have one of the pilots
14 there as an expert or advisor?

15 A. No. The only person we might call
16 is one of the masters of our own ship, we might call in
17 one of the masters of our own ship. He acts as our
18 consultant.

19 Q. Am I to understand that none of
20 your Commissioners has sea experience?

21 A. I don't believe we have a pilot
22 that has ever had a home trade ticket.

23 Q. I am speaking of your Commissioners,
24 members of the Commission, the Pilotage Commission. Have
25 any of these members sea experience?

26 A. Just which way do you mean?

27 Q. Have they been to sea?

28 A. As an officer?

29 Q. No, as a deckhand, or what.

30 A. I have travelled on inspection for



1 fifteen years on Department of Transport boats, and Mr.
2 Osborne has probably had more than that on Transport
3 boats in the summer on inspections.

4 MR. JACQUES: In fact, none of the members
5 of the local Commission have been mariners?

6 THE WITNESS: No. We have sea experience
7 on boats.

8 MR. JACQUES: As a passenger on a ship?

9 THE WITNESS: As an inspecting officer on
10 a ship.

11
12 FRANK G. OSBORNE, sworn

13 THE SECRETARY: Would you give your name,
14 please?

15 THE WITNESS: Frank G. Osborne.

16 THE SECRETARY: Your occupation, Mr.
17 Osborne?

18 THE WITNESS: Superintendent of Lights
19 for the Department of Transport, Civil Service.

20
21 EXAMINATION BY MR. JACQUES:

22 Q. I understand, Mr. Osborne, that
23 you have been appointed Member and Secretary-Treasurer
24 of the local Pilotage Authority in 1959 some time?

25 A. Yes.

26 Q. That is as far back as your
27 experience goes in these matters?

28 A. Yes.

29 Q. Have you brought your file with
30 you this morning?



1 A. Yes, I have.

2 Q. Would you show to the Commission
3 the documents which you received from the various pilots
4 in order to prepare your annual report?

5 A. Yes.

6 Q. Would you, sir, file as Exhibit 9
7 copies of these reports from all your pilots for 1962,
8 the closing year?

9 A. I just don't know what you mean.

10 Q. Copies of these documents, the
11 returns, which the pilots filed with you.

12 A. These are the originals. I could
13 leave those with you now. The Alberton one, I got a
14 letter from him this morning; he didn't have one.

15
16 --- EXHIBIT NO. 9: Annual reports of pilots for 1962,
17 Souris, Charlottetown, Georgetown and
Summerside Harbours.

18 Q. So Exhibit 9 would include the
19 annual returns for the districts of Georgetown, Charlotte-
20 town, Souris and Summerside?

21 A. Yes.

22 THE CHAIRMAN: You mean ports?

23 MR. JACQUES: Ports.

24 Q. For 1962?

25 A. That is correct.

26 Q. And I understand that you were
27 advised this morning by your pilot at Alberton that he
28 hadn't any work during 1962?

29 A. That is right, he hadn't any
30 pilotage.



1 Q. Do you keep minutes of the meetings
2 of the local Commissioners?

3 A. Yes, I do. There are the minutes
4 of our last meeting, I believe, that we had.

5 Q. I note these minutes are kept on
6 separate sheets of paper. Does that mean that you have
7 no proper minute book or record book available?

8 A. No, I don't.

9 Q. Sir, I note from the documents we
10 have on hand that your 1962 report hasn't been prepared
11 yet. Are you now in a position to prepare that report?

12 A. Yes, I have the necessary informa-
13 tion; I received it this morning.

14 Q. And in this report you include a
15 nil report from Alberton?

16 A. That is right.

17 Q. Would you file the 1962 return
18 when available as Exhibit 10?

19 A. Yes.

20 MR. JACQUES: Thank you, sir.

21 --- EXHIBIT NO. 10: 1962 Annual Report of Prince Edward
Island Pilotage Authority.

22 EXAMINATION BY MR. LANGLOIS:

23 Q. Mr. Osborne, I believe you have
24 described your position with the Commission as Secretary-
25 Treasurer. I understand that you handle no money?

26 A. That is right.

27 Q. These reports or returns from the
28 individual pilots which you have filed as Exhibit 9, are
29 they ever checked by you or some other member of the
30 Board, of the Commission?



1 A. I make spot checks usually when
2 preparing the annual report. However, it is very diffi-
3 cult. The checks that I have made are usually comparing
4 one charge against the other for the same ship. Supposing
5 a ship came in in August and made such a charge, the
6 pilot charged a certain rate, and it came in again in
7 October, I would check to see if those two compare
8 favourably. But as the rates include the draught of the
9 ship, it is very difficult for me to make a check to see
10 if the rate that the pilot has charged is correct or not,
11 because I wouldn't know the draught of the ship at that
12 time.

13 Q. This would also apply to the number
14 of pilotages done in the year for any of those ports?

15 A. Yes.

16 Q. For example, you have the case of
17 Alberton, where you have a nil report for that year?

18 A. Yes.

19 Q. But it is also possible that one
20 or two ships were actually piloted without you knowing
21 about it?

22 A. It is possible, but not very
23 probable.

24 Q. But you have no way of checking?

25 A. No.

26 Q. And you have to take the pilot's
27 word for it?

28 A. Yes.

29 Q. Maybe I should have asked this of
30 Mr. MacNutt. What is the maximum distance by land



1 between these various ports coming under your Commission?
2 I mean from Charlottetown.

3 A. From Charlottetown, the maximum
4 for Alberton would be in the vicinity of 100 miles, and
5 Souris about 50 miles, 55 miles east. Alberton is
6 approximately 100 miles from Charlottetown, west, and
7 Souris is east about 50, 55 miles by land.

8 MR. JACQUES: Sir, the pilots live in the
9 place where they are pilots?

10 THE WITNESS: Yes.

11 MR. JACQUES: They don't have to travel
12 across the province?

13 THE WITNESS: No, they reside in the area
14 where they pilot.

15 Q. What is the distance by land from
16 Charlottetown to Summerside?

17 A. About 40 miles.

18 Q. Charlottetown and Summerside are
19 the two major ports of this island?

20 A. That is correct, yes.

21 MR. LANGLOIS: Thank you.

22
23 EXAMINATION BY COMMISSIONER SMITH:

24 Q. I would like to ask a couple of
25 questions with Your Lordship's permission. Mr. Osborne,
26 you are Superintendent of Lights for the agency of
27 Prince Edward Island? That covers the whole island, does
28 it?

29 A. Yes, sir.

30 Q. Anything else?



1 A. Yes, it covers the west coast of
2 Cape Breton, the north shore of Nova Scotia, the east
3 shore of New Brunswick, the Magdalen Islands, a section
4 of the north shore of the Gulf of St. Lawrence, the west
5 coast of Newfoundland and a very short section of the
6 south coast of Labrador.

7 Q. That is covering a lot of geography.
8 What I am getting at is this: I take it you have a very
9 highly responsible position with the Department, and you
10 must be a busy man to look after all the responsibilities
11 that come under your charge. I would like to ask you
12 what amount of your time is taken up as Pilotage Commis-
13 sioner? Does it take very much of your time? I know
14 you are not paid for it, and I am wondering how much of
15 your time is taken away from your own job to do some
16 extraneous pilotage work?

17 A. Well, it is not very much, actually.
18 It might be two or three percent, I would say, would
19 cover it.

20 Q. Do you have to do any travelling
21 specifically on account of your Pilotage Commissionership?

22 A. Not as yet.

23 Q. It means time spent at meetings?

24 A. Yes, and taking care of the corres-
25 pondence and preparing the annual report and such things
26 like that.

27 Q. That must take up some of your
28 time?

29 A. It does.

30 Q. Three percent, you say?



1 A. I would think two to three percent
2 of my time would cover it, possibly.

3 Q. Mr. Osborne, have you any views,
4 any personal views, on the question of compulsory
5 pilotage in this district? You agree with Mr. MacNutt
6 on that point?

7 A. Well, as yet I do not think we
8 have really given it much thought. We have never had
9 any complaints from any of the pilots or the shipowners
10 or agents regarding compulsory pilotage. We have never
11 given it a great deal of thought.

12 Q. Have you had any complaints from
13 the pilots themselves as to their remuneration?

14 A. No, I have not.

15 Q. They are satisfied with the income
16 they are getting?

17 A. They seem to be.

18 Q. And the ships' masters and the
19 agents and the owners are satisfied with the policy of
20 voluntary pilotage in this district, so far as you know?

21 A. So far as I know. They have never
22 made any complaints to me that they were dissatisfied
23 or anything of that kind. I do not think any have come
24 through the Pilotage Authority that I know of. Not that
25 I am aware of.

26 Q. It is the general opinion of those
27 who are well-qualified in pilotage matters, say, in the
28 United Kingdom and the United States and elsewhere that
29 compulsory pilotage is a much safer way in the conduct
30 of pilotage in the handling of ships.



1 A. Oh well, yes, that is possible.

2 My own opinion possibly why compulsory pilotage has not
3 come up more in Prince Edward Island is that we do not
4 have the shipping to give the pilot a full-time job.
5 Whereas, if we had compulsory pilotage, I think it would
6 tie the pilot down, but it is just a part-time job for
7 him now, and if he were tied down any more, he would
8 probably have to get greater income from this or it may
9 develop that it would have to be a full-time job for him,
10 which, for the number of ships that we have coming in,
11 may increase the pilotage to such an extent that it
12 would really hurt somebody.

13 Q. Of course, the answer to that, Mr.
14 Osborne, is this: an awful lot of the Pilotage Commissions,
15 those that are not under the direct authority of the
16 Minister, like Montreal, Quebec and others, they are
17 part-time, and in some cases their income is lower than
18 yours, but still they have compulsory pilotage in those
19 various districts.

20 For instance, Pugwash, that was mentioned
21 here this morning, and other places as well.

22 A. I may not be correct. That was
23 just my own opinion, of course.

24 Q. Yes?

25 A. And not being well-versed on what
26 takes place where they have this compulsory pilotage,
27 and just how it operates, I probably should not even
28 pass an opinion.

29 Q. I might be getting a little too
30 technical. I do not mean to be that way. I just want



1 to get the picture before you and your opinion on the
2 overall side of it. It is a fact, however, that this
3 is the only voluntary pilotage district in the whole of
4 Canada, as far as I know. That is right, is it not?

5 THE CHAIRMAN: Yes.

6 COMMISSIONER SMITH: Thank you very much,
7 Mr. Osborne.

8
9 EXAMINATION BY MR. JACQUES:

10 Q. One last question, sir. Have you
11 received any complaints from pilots concerning aids to
12 navigation, buoys, lights, et cetera?

13 A. No, I have not, other than if they
14 should discover, we will say, a light on the buoy has
15 become extinguished or one of the range lights may become
16 extinguished or something like that, then they make it a
17 point of letting me know.

18 Q. Have you had requests to provide
19 new aids to navigation or different aids to navigation
20 than those which are in existence now?

21 A. From the pilots?

22 Q. Yes.

23 A. No.

24 Q. They seem to be satisfied?

25 A. They seem to be satisfied.

26 Q. With the aids that exist there?

27 A. Yes.

28 MR. JACQUES: Thank you, sir. Would the
29 Commission like to hear Mr. St. John? He is the third
30 member.



1 THE CHAIRMAN: I think we should recess
2 for a few minutes.

3 MR. JACQUES: The pilots will be available
4 only at 2 o'clock.

5 THE CHAIRMAN: We will be able to dispose
6 of the other witness this morning?

7 MR. JACQUES: Yes, My Lord.

8 THE CHAIRMAN: So we might recess for
9 about five minutes.

10
11 --- Short Recess

12
13 E.F. MacNUTT, recalled

14 EXAMINATION BY MR. JACQUES:

15 Q. Sir, do you know when the various
16 channels of Charlottetown and the other harbours were
17 dredged, and what work has been done on the channels?

18 A. I could give you some information
19 on that, but dredging is done by the Department of
20 Public Works, and they would have their records in their
21 office.

22 From memory I do not believe I could give
23 it to you exactly, but starting at Alberton, the outer
24 section of the harbour entrance was dredged last summer.
25 Some dredging done at Alberton last summer, and the year
26 before part of the inner harbour was dredged.

27 In Summerside it has been some few years,
28 I think, since any dredging has been done in Summerside.
29 That is only in the inner part of the harbour. There
30 has been dredging done around the wharves to deepen at



1 Summerside.

2 At Charlottetown the only dredging was
3 around the wharves. They silt up fairly quickly because
4 of the tidal silt that comes down the so-called rivers
5 which are tidal waters, and they silt up quite a bit.
6 Probably about every five years they silt up a foot or
7 two, and the wharves act like drawings and they seem to
8 catch it.

9 There has been no main channel dredging
10 in Charlottetown except around the wharves. In George-
11 town, there has been no dredging except right around the
12 wharves, and the same thing applies in Souris, just
13 around the wharves.

14 The exact date of dredging in all these
15 places I could not tell you exactly, but the Public Works
16 would have the record and they would know.

17
18 EXAMINATION BY MR. LANGLOIS:

19 Q. A question I should have asked you
20 before: has consideration been given in the past to
21 inviting a representative of the local Board of Trade,
22 the shipping industry, to sit on your Commission as a
23 member?

24 A. No, I do not think that we have.
25 We have never done that, but I would see no objection to
26 it. Perhaps it would be of considerable help to us if
27 they did. I could see no objection to it.

28 Q. Would it be possible, Mr. MacNutt,
29 to have two quite well-experienced full-time pilots to
30 handle traffic in both Charlottetown and Summerside, which



1 are your major ports?

2 A. I would say you would have a very
3 good point there. In other words, your question is
4 would we have a pilot or two pilots full-time employed?

2 5 Q. That is right.

6 A. There is a question there of who
7 would pay their salary in that case. The shipping
8 interests? Would they have a salary attached to them,
9 or just from the revenue?

10 Q. I do not want to get into the
11 question of pilotage dues and revenues, but could two
12 pilots, two full-time pilots, handle efficiently the
13 traffic in both Summerside and Charlottetown?

14 A. The answer to that would be yes,
15 two full-time pilots could handle Charlottetown and
16 Summerside without any trouble. They could handle it.

17

18 EXAMINATION BY MR. JACQUES:

19 Q. They have only two part-time pilots
20 now?

21 A. Yes, and two full-time pilots
22 could certainly handle it.

23 Q. Could one full-time pilot handle
24 both Charlottetown and Summerside?

25 A. I would say yes. There might be
26 an occasion when a ship would arrive at each port at
27 the same time. It could happen, but it is not very
28 likely. The Fall of the year is our biggest shipping
29 time. The larger ships are coming in here to take
30 potatoes, and that is the heaviest shipping in the Fall



1 of the year, from about the 1st of October through to
2 about the middle of December. That is our heaviest
3 shipping time, concentrated mostly in that period.

4 MR. JACQUES: Would the Commission have
5 any further questions of this witness? Thank you, sir.

6
7 J. RUSSELL ST. JOHN, sworn

8 THE CHAIRMAN: You will not need Mr.
9 MacNutt any more this morning?

10 MR. JACQUES: No.

11 THE CHAIRMAN: I understand you have an
12 appointment at 12.15. You will be back with us, I
13 suppose? Thank you very much.

14 THE SECRETARY: Where do you live, Mr.
15 St. John?

16 THE WITNESS: In Charlottetown.

17 THE SECRETARY: What is your occupation?

18 THE WITNESS: Civil servant. Collector
19 of Customs and Excise, and also Registrar of Shipping.

20
21 EXAMINATION BY MR. JACQUES:

22 Q. Sir, you have been in office as
23 Commissioner since 1961?

24 A. Yes.

25 Q. And you have just completed your
26 second year approximately?

27 A. That is true.

28 Q. You have heard the evidence which
29 was given by your colleagues? Would you have any
30 further comments on the pilotage situation here in



1 Charlottetown and the other parts of the island?

2 A. I might say, while I am on the
3 Commission, it has no connection whatever with our
4 department except that they realize and know and agree
5 that I am on the Commission.

6 Remarks and answers given by the previous
7 two members I think pretty well cover our situation in
8 Charlottetown and the area in general. I do not think
9 there is very much I can add.

10 The question there about two pilots
11 handling the pilotage for this island, full-time pilots,
12 actually one could almost do it. However, there is
13 always the case where two vessels might dock about the
14 same time in two different ports, or sickness might get
15 in there, but probably the idea of two pilots handling
16 the whole district would sound very reasonable.

17 COMMISSIONER SMITH: But on some other
18 basis than a voluntary system?

19 THE WITNESS: Yes.

20 COMMISSIONER SMITH: Because I think Mr.
21 Langlois has raised a very important point there on that
22 matter.

23 THE WITNESS: I would say so.

24 COMMISSIONER SMITH: You think yourself
25 that it might be a very helpful situation in the
26 district to do that?

27 THE WITNESS: I think that possibly if
28 the two pilots were appointed full-time that they would
29 probably, in time, be better qualified, maybe, than
30 some of the men we have, although we have the best men



1 available. The remuneration is insufficient to attract
2 anyone that is in a way qualified at all.

3 COMMISSIONER RENWICK: I wonder if I
4 could ask a question about the peak load shipping period
5 of October to December 15th. What would be the percen-
6 tage of the annual that is embraced in that sort of
7 period? I am leading up to the question of what would
8 two full-time pilots do for the rest of the year.

9 THE WITNESS: Well, our traffic here,
10 our heaviest traffic here, is in the oil products, the
11 oil tankers, and they operate during the summer months
12 just the same as they do at any other time. I would
13 suggest that probably in the time mentioned, the two-
14 and-a-half months, maybe we do get about half of the
15 traffic, but the oil tankers which are the heaviest
16 traffic operate during the summer months and Spring.

17 Q. In your capacity as Collector of
18 Customs, would it be possible to obtain from your depart-
19 ment or from you the total number of ships in and out of
20 Prince Edward Island with or without pilots?

21 A. Yes, it would be, but I think I
22 could answer for our local port here and for Souris
23 which is in Charlottetown as far as the Customs is
24 concerned. Under the Bureau of Statistics each of these
25 ships that come in must file a ship report form, S-1, a
26 copy of which goes to the Bureau of Statistics, and they
27 are kept up there, and statistics are kept on each port.

28 Q. That includes coastal vessels?

29 A. Every ship, even those with coast-
30 wise licences - they do not report ordinarily to the



1 Customs, but they must file this ship form S-1, which
2 is a statistical report, and they have statistics in
3 the Bureau of Statistics on each port.

4 COMMISSIONER SMITH: How much time do you
5 spend on this Pilotage Commission business?

pw 6 THE WITNESS: Ordinarily I would say very
7 little.

8 COMMISSIONER SMITH: Very little.

9 THE WITNESS: But in compiling our own
10 Act for Prince Edward Island district we spent quite a
11 bit of time in the last couple of years. Now, it is
12 published.

13 COMMISSIONER SMITH: Does it interfere
14 in any way with your other work?

15 THE WITNESS: No, we try and arrange our
16 meetings - we all work in the same building, so we
17 arrange our meetings to suit.

18

19 EXAMINATION BY MR. LANGLOIS:

20 Q. Mr. St. John, would you have a
21 look at this document, please?

22 A. Yes, sir.

23 Q. Is the information contained in
24 this document - does it come from the records of your
25 office, do you know?

26 A. Yes.

27 Q. I have here a list of the ships
28 which visited Charlottetown, Montague, Georgetown and
29 Summerside during the year 1962.

30 COMMISSIONER SMITH: Is that both with



1 and without pilots?

2 MR. LANGLOIS: All ships.

3 THE WITNESS: We didn't take the smaller
4 ships into consideration on that. We took the ones,
5 I would say, up to and over 200 tons.

6 Q. Over 200 tons.

7 A. We didn't bother with the smaller
8 ones because most don't take pilots. These are the
9 ones which actually do or presumably do take pilots,
10 which we consider did take pilots. There is one thing I
11 might say, the report for Summerside came from the Summer-
12 side office. I didn't compile that.

13 Q. I would like to file this as
14 Exhibit 11. Now, in this list here you have the draught
15 of each of the vessels mentioned. Is that the maximum
16 draught?

17 A. That is supposed to be the maximum
18 draught fully loaded.

19 Q. Fully loaded?

20 A. That draught was taken off the
21 shipping report they have sworn.

22 COMMISSIONER SMITH: May I see that?

23 THE WITNESS: I could look this afternoon
24 for a sample shipping report so the Commission could see
25 it.

26 MR. JACQUES: We would appreciate it if
27 you would.

28
29 --- EXHIBIT NO. 11: List of ships calling in Prince
30 Edward Island ports during 1962.



1 THE WITNESS: I might say, in the
2 Charlottetown report, I think we found there were some-
3 thing over 300 vessels in and out in the summer. I
4 could verify that when I get back to the office this
5 afternoon.

6 Q. Now, sir, as Collector of Customs
7 do you receive reports of shipping casualties?

8 A. Yes.

9 Q. Would you know offhand if there
10 were any shipping casualties involving these five ports
11 within the last year?

12 A. Well, there were two; I think two
13 or three, but they were boats that caught fire and
14 burned, but as far as actual operation of the boats
15 themselves - there was one casualty boat at sea, not at
16 a harbour. She was in difficulty last Fall. We have had none
17 since the one in Souris, the accident in Souris about
18 two years ago, I would say. That was the one that
19 dropped anchor and ran over the anchor and they punctured
20 the hull of the boat. It wasn't a serious accident.

21 Q. In this respect, My Lord, as Your
22 Lordship will recall at the opening sittings in Ottawa
23 I asked - as a matter of fact I handed you a file, a
24 list of documents which I requested the Commission file
25 into their records. Among this list was a list of
26 shipping casualty reports for each port in Canada where
27 pilotage is being reported; I assume we will be supplied
28 with this information for these five ports here.

29 THE CHAIRMAN: Mr. Jacques?

30 MR. JACQUES: We have endeavoured in the



1 past month to gather all the available information. We
2 have drawn up a list of the publications which we have
3 obtained so far. Some of them date back some years and
4 some of them are current publications. Of course,
5 unfortunately, the information which is requested is
6 contained piecemeal in these reports. It is not entered
7 in one way, sir.

8 We thought it would be wisest if we drew
9 up a list of the publications, documents and statistics
10 which we obtain and advise the parties that these publica-
11 tions and documents are available for consultation at the
12 office of the Royal Commission in Ottawa.

13 I am given to understand by the Secretary
14 that the list should be mailed any time now, very shortly.
15 It is almost completed. My learned friend will get a
16 copy of the list, and if he wishes further statistics
17 we will be glad to try and obtain them.

18 THE CHAIRMAN: For instance, in this
19 case you could have one exhibit filed for this district.
20 That would complete the records for here.

21 MR. JACQUES: If you so wish I have no
22 objection. I have further documents to file. I have the
23 1962 report to file and I also have the history of the
24 district to file. We could give them numbers now if
25 Your Lordship so wishes.

26 THE CHAIRMAN: Carry on, Mr. Langlois.

27 Q. Are you keeping in your office
28 copies of the shipping casualty reports?

29 A. Yes, as Receiver of Wrecks.

30 Q. You are acting as Receiver of



1 A. Yes.

2 Q. Would it be too much trouble to
3 get copies of these shipping casualty reports?

4 A. How far back would you care to go?

5 Q. Five years.

6 A. I could have them available.

7 Q. That will be Exhibit 12.

8
9 --- EXHIBIT NO. 12: Extracts from reports of shipping
10 casualties in Prince Edward Island
11 Pilotage District from 1957 to date.

12 Q. Are you Receiver of Wrecks for the
13 whole island of Prince Edward Island or only for Charlotte-
14 town?

15 A. I understand there was a Receiver
16 of Wrecks in the western part of the island, but I think
17 he is deceased. As far as I know I am the only Receiver
18 of Wrecks on the island. If I hear of any casualty in
19 any part of the island I get a report.

20 Q. You have been doing that for the
21 last five years?

22 A. I have been Collector of Customs
23 only for three years. I imagine my predecessor has been.

24 Q. You can find out what your predeces-
25 sor has done. In the discharge of your duties as
26 Collector of Customs do you ever receive any complaints
27 from the ship industry or the masters concerning pilotage
28 services provided here?

29 A. No.
30



1 Q. Has it been to your knowledge that
2 ships have been delayed on account of pilotage not being
3 available in time to take them in?

4 A. Not to my knowledge, no.

5 MR. LANGLOIS: That is all, thank you.

6 COMMISSIONER SMITH: In looking over that
7 list there are some quite large tankers in tonnage, not
8 only large, but I take it very valuable floating proper-
9 ties and it occurs to me anybody that has the conduct of
10 those ships, for which the pilots are responsible, should
11 be pretty well qualified.

12 THE WITNESS: I would say so.

13 COMMISSIONER SMITH: There is a lot of
14 investment in that type of craft. I have a feeling
15 possibly some seagoing experience and certificated,
16 ticketed pilots, home trade, or perhaps inland waters,
17 or some other type of certificate of seamanship would
18 be desirable?

19 THE WITNESS: Yes, it would be, but I
20 suppose unless he was a master or mate fully qualified,
21 I don't suppose rating lower than that would qualify him
22 too well. We have no difficulty in Charlottetown at all.
23 There is no difficulty with our pilots.

24 COMMISSIONER RENWICK: Cannot that
25 situation be partially met by the fact that the pilot
26 when he goes aboard he warns the master that the master
27 must berth the ship and all he is required to do is to
28 have knowledge of the local waters?

29 THE WITNESS: And be alert to any dangers.
30 I think the masters and the shipping companies have every



1 confidence in our local pilots.

2 COMMISSIONER SMITH: I am not casting a
3 reflection on their competency. I am thinking these
4 cases, these cases get from one region, one area, into
5 another. In the case of a casualty coming up you get
6 cases before the courts and that sort of thing and the
7 question of competency and qualifications arise.

8 THE WITNESS: That is right.

9 COMMISSIONER SMITH: It starts something
10 that might not be very desirable.

11 THE WITNESS: That is right.

12 COMMISSIONER SMITH: I don't have any
13 complaint about pilotage here at all. There is nothing
14 like improving what is...

15 THE WITNESS: Before something happens.

16 COMMISSIONER SMITH: ...nearly perfect.

17 MR. LANGLOIS: What has been the trend
18 shipping in and out of Charlottetown in recent years;
19 it increased or decreased?

20 THE WITNESS: I would suppose in former
21 years - we don't get the number of vessels we used to
22 get. In between there there were quite a number of years
23 until we started getting tankers. Now, with the tankers
24 coming in naturally, I imagine, our tonnage has increased.

25 MR. LANGLOIS: While the number of ships
26 has decreased. Is that what you have in mind?

27 THE WITNESS: We get bigger ships. There
28 is no question we get bigger ships. The small vessel now
29 is pretty nearly a thing of the past. It is coastwise
30 now, the small vessels.



1 MR. LANGLOIS: That is all I have.

2 MR. JACQUES: We have nothing now until
3 the pilots at 2 o'clock.

4 THE CHAIRMAN: We will adjourn until
5 2 o'clock.

6
7
8 --- Adjourned for lunch at 12.30 p.m. until 2 p.m.
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1 /dpw 1 --- On resuming at 2 p.m.

2 THOMAS BRUCE McLENNAN, sworn

3 THE SECRETARY: Would you please give your
4 full name?

5 THE WITNESS: Thomas Bruce McLennan.

6
7 EXAMINATION BY MR. JACQUES:

8 Q. What is your occupation?

9 A. I am the District Engineer for
10 Public Works on Prince Edward Island.

11 Q. How long have you occupied that
12 position?

13 A. Since December 15th, 1961.

14 Q. I show you a marine chart, Exhibit
15 5. Would you tell the Commission whether your Department
16 has done any dredging in the entrance to Charlottetown
17 harbour and, if so, when and approximately the extent?

18 A. No, we have not done any dredging.
19 I have two of my men here who have been ten years here.
20 As I know, we have done no dredging in the entrance
21 except at the berths of the various wharves.

22 Q. I now show you Exhibit 6, which is
23 also a marine chart, a plan of the harbour. Would you
24 indicate the dredging which might have been done in the
25 harbour?

26 A. Well, we maintain the berths on
27 either side of the Railway Wharf and also at the outer
28 end. We have done some for the Department of Transport
29 which is building a new wharf right here.

30 Q. You indicate the marine terminal



1 here?

2 A. Yes. It is still under construction.
3 It is not yet complete.

4 We have done some dredging for the yacht
5 club here, but they paid for that themselves. We nego-
6 tiated with them, and they paid for it.

7 Q. As regards the Railway Wharf, do
8 you do dredging regularly, every year, owing to silting?

9 A. Yes, we do. The ships, particularly
10 oil tankers, they are deeper and larger that are coming in
11 and we dredged 32 feet at the head of the wharf to accommo-
12 date these tankers, and on the sides.

13 Q. You maintain a certain depth?

14 A. 26 feet, 25 plus one.

15 Q. Apart from this, as it were, main-
16 tenance dredging, did you do any other dredging in the
17 harbour?

18 A. Not to my knowledge, no. No, we
19 have not done any other dredging.

20 Q. Now, sir, I show you Exhibit 7,
21 which is a plan of Souris harbour. Would you indicate
22 whether your Department has done any dredging?

23 A. Could I call on my colleague for
24 that?

25 MR. JACQUES: Yes.

26

27 EXAMINATION BY MR. LANGLOIS:

28 Q. I have noticed one of the charts
29 you have been referring to in your testimony is for 1962,
30 Chart 4461. I imagine this one would be up to date.



1 This one, Exhibit 7, is corrected to June 2nd, 1954?

2 A. Yes.

3 Q. Is the dredging you have just
4 described shown on this chart?

5 A. No, it isn't. Our policy is, when
6 we finish dredging, to provide an aid to navigation plan
7 which we send to our headquarters, and they, in turn, send
8 one to the Hydrographic Service and one to the Department
9 of Transport, and it is up to them to make the correction.

10 Q. I notice that this chart, Exhibit 7,
11 is corrected up to February 8th, 1963, so it is up to date?

12 A. Yes.

13 MR. JACQUES: Thank you, sir.

14
15 CLIVE HASARD STEWART, sworn

16 THE SECRETARY: What is your name, please?

17 THE WITNESS: Clive Hasard Stewart.

18
19 EXAMINATION BY MR. JACQUES:

20 Q. What is your profession, sir?

21 A. Engineer.

22 Q. And for whom do you work?

23 A. Public works of Canada.

24 Q. Right here in Charlottetown?

25 A. Yes.

26 Q. How long have you occupied that
27 position?

28 A. Eight years.

29 Q. Are you familiar with the dredging
30 which might have been done in the province?



1 A. Generally; in the eastern portion
2 of the province particularly.

3 Q. I show you Exhibit 7, being a plan
4 of Souris harbour and approaches. Would you indicate on
5 that plan the amount of dredging that has been done by
6 your Department?

7 A. The main dredging area in the
8 berth is alongside the Railway Wharf.

9 Q. You indicate the southern side of
10 the wharf?

11 A. The southern side of the wharf is
12 dredged to 22 feet at its outer end, decreasing to 18
13 feet at its inner end.

14 Q. When was that dredging done?

15 A. 1954. In the northern side of the
16 wharf it is dredged to 22 feet for a width of approxi-
17 mately 100 feet out from the wharf.

18 Q. As shown on the plan?

19 A. As shown on this plan.

20 Q. When was that done?

21 A. Also 1954. Then the inner end of
22 the Railway Wharf on the north side an area 200 feet
23 square and dredged to four to six feet, for small fishing
24 boats.

25 Then, the Department also has acquired
26 this Matthew and McLean's wharf. The south side of that
27 wharf has been dredged to 10 feet below low water for a
28 width of approximately 30 feet over its full length. The
29 north side has been dredged to 9 feet below low water
30 for a width of approximately 100 feet over the full



1 length of the wharf.

2 Q. Would you indicate these areas?

3 (Witness complies)

4 Q. Would you indicate the number of
5 feet to which it has been dredged, please?

6 (Witness complies)

7 Q. Now, sir, do you do any maintenance
8 dredging also in Souris harbour, yearly dredging, to
9 prevent accumulation of sand and mud and silting?

10 A. Yes, we would if required.

11 Q. Have you had any requests for such
12 dredging?

13 A. No, not to my knowledge.

14 Q. Now, sir, I show you Exhibit 8,
15 which is a plan of Summerside. Would you indicate whether
16 you have done any dredging in that port?

17 A. I am afraid I don't know.

18 COMMISSIONER SMITH: I would like to ask
19 Mr. Stewart a question or two.

20 According to the record I have here, the
21 controlling depth at low water in Charlottetown is 32
22 feet, tide rise 8 to 9½ feet, anchorage channel off the
23 marine wharf 7 to 10 fathoms, 2¾ cables wide. Is that
24 a correct definition of the matter?

25 THE WITNESS: The 32 feet you refer to,
26 sir, would be at the outer end of the Railway Wharf.
27 The berths alongside the Railway Wharf don't offer that
28 much water; approximately 25 feet.

29 COMMISSIONER SMITH: Would you have similar
30 information to that about Summerside? I am not concerned



1 greatly about the other ports.

2 MR. JACQUES: It is coming up, sir; the
3 next man will be called on that, sir.

4 Thank you, Mr. Stewart.

5
6 WILLIAM WYMAN STUART VALE, sworn

7 THE SECRETARY: Would you state your full
8 name, please?

9 THE WITNESS: William Wyman Stuart Vale.

10

11 EXAMINATION BY MR. JACQUES:

12 Q. What is your occupation, sir?

13 A. Engineer.

14 Q. For whom do you work?

15 A. Federal Public Works Department.

16 Q. How long have you been in that

17 position?

18 A. Twelve years.

19 Q. Are you familiar with any dredging
20 which might have been done in Summerside?

21 A. Yes.

22 Q. Would you, on Exhibit 8, indicate
23 the dredging which has been done?

24 A. The Railway Wharf, berths on either
25 side, on the east side and the west side and other end,
26 an area between these two wharves, Holman's and Railway,
27 and the Queen's Wharf right here. The names of the
28 wharves are indicated.

29 Q. To what depths have they been

30 dredged?



1 A. Railway Wharf to 22 feet at low
2 water, both sides and the other end. Those are the outer
3 berths. There is a berth further in here that is dredged
4 to 18 feet on this side.

5 Q. You indicate the east side of the
6 Government Wharf?

7 A. The east side. These berths are
8 300 feet inward from the end of the wharf on either side.

9 Q. Would you indicate that mark with
10 your pencil, please?

11 (Witness complies)

12 Q. Now, Holman's Wharf.

13 A. Holman's Wharf was dredged on the
14 east side, on the outer end, to approximately 12 feet,
15 and in between here.

16 Q. You indicate between Holman's
17 Wharf and Government Wharf?

18 A. Yes.

19 Q. And Queen's Wharf?

20 A. Queen's Wharf on the east side.
21 The most recent dredging there was to 6 feet at low water.

22 Q. When was that dredging done?

23 A. 1958.

24 Q. Do you do any maintenance dredging
25 in that harbour?

26 A. Yes, these berths on the east and
27 west side of Government Wharf.

28 Q. Every year?

29 A. Oh, no. Those were last done in
30 1954.



1 Q. Have you had requests to do any
2 dredging there?

3 A. No.

4 Q. To facilitate the movement of
5 shipping?

6 A. No, not in that particular area.
7 We have had a request for a check sounding of this
8 entrance channel here.

9 Q. Would you indicate that with the
10 letters B and C, please, on the chart?

11 (Witness complies).

12 Q. Did you merely check the depth or
13 did you do any dredging there?

14 A. No. The last dredging was done
15 there back in 1911 or 1912. It is some time ago.

16 Q. What did you do?

17 A. We haven't done any dredging. We
18 have done a check sounding survey.

19 COMMISSIONER SMITH: If Your Lordship
20 pleases, I would like to ask the witness a couple of
21 questions, the same as I asked about Charlottetown.

22 Getting away from the specific information
23 as to the depths of the wharves, the controlling depths
24 at low water, what would that be? In Charlottetown it is
25 32 feet. What would it be in Summerside?

26 THE WITNESS: 22 feet at the Railway Wharf,
27 the Government Wharf.

28 COMMISSIONER SMITH: What is the rise and
29 fall of the tide at Summerside?

30 THE WITNESS: Neap tide is $5\frac{1}{2}$ feet, the



1 Spring tide is 7 feet.

2 COMMISSIONER SMITH: Thank you very much.

3 MR. JACQUES: Mr. Peake, I believe you are
4 President of the Board of Trade in Charlottetown?

5 MR. PEAKE: Yes.

6 MR. JACQUES: And I also believe that
7 your association wishes to present a brief?

8 MR. PEAKE: Yes, we would like to very much.

9 MR. JACQUES: Are you in a position now to
10 give the outlines of that brief to the Commission?

11 MR. PEAKE: No. We have no knowledge of
12 the terms of reference of the Commission. We were under
13 a misunderstanding that it had to do with pilots only,
14 and therefore if it is possible for us to be supplied
15 with terms of reference, we would be very pleased to take
16 the matter under study and forward our brief when it is
17 complete.

18 MR. JACQUES: When do you expect it to be
19 completed?

20 MR. PEAKE: I should say we would forward
21 it within three weeks.

22 MR. JACQUES: These are the terms of
23 reference.

24 MR. PEAKE: Thank you very much.

25 THE CHAIRMAN: There are two things, Mr.
26 Peake. First, it is a submission, and it would contain
27 ideas and suggestions or complaints and so on. There is
28 another matter; if you want evidence to be brought up
29 before the Commission, then we will have to be notified
30 although we do not plan to come back here because we



1 have a very heavy schedule. We do not plan to come back
2 here, but if it is necessary to bring some evidence, we
3 might arrange when we come back in the Maritimes or when
4 we go to Newfoundland, on our way back we could stop, but
5 this is only, of course, if it is necessary to bring some
6 further evidence forward.

7 If it is only argument or suggestions,
8 put that in a brief and send it to us, and should we
9 desire to meet you, then we could arrange that, too.

10 MR. PEAKE: Thank you very much, Your
11 Honour.

12
13 JOHN R. MacDONALD, sworn

14 EXAMINATION BY MR. JACQUES:

15 Q. You are a pilot here in Charlotte-
16 town?

17 A. Yes, sir.

18 Q. How long have you been a pilot?

19 A. Four years, sir.

20 Q. Would you care to tell the Commis-
21 sion how it came about that you became a pilot?

22 A. Well, I have been running boats for
23 my dad for 20-some years, and he has been the pilot for
24 near 40 years, and I have taken over from him, sir. He
25 took me aboard as an apprentice.

26 Q. You served an apprenticeship with
27 your father?

28 A. Yes.

29 Q. How long did you serve the appren-
30 ticeship with your father?



1 A. Well, I have been going aboard with
2 him two years, and I served as an apprentice through the
3 Department of Transport for a year, as Department of
4 Transport.

5 Q. Did you find that after this apprentice
6 ship you had difficulties in handling vessels that were
7 under your charge coming into Charlottetown?

8 A. No, sir. I never had any difficul-
9 ties handling them.

10 Q. I understand that it is a standing
11 rule that the pilots here do not dock the vessel.

12 A. Well, on occasion we do, sir, with
13 the assistance of the captain. I always explain to the
14 captain I like to have him stand by when I dock.

15 Q. Do you do the actual manoeuvring
16 of the docking?

17 A. Yes, sir.

18 Q. How long have you been in the habit
19 of doing that?

20 A. When I first took over, sir.

21 Q. That is in 1958?

22 A. Yes, sir. I explained to the
23 captain the first year that I was new at it and they all
24 appreciate it very much.

25 Q. Have you had any accidents since
26 you started piloting?

27 A. No, sir, I take it very cool.

28 Q. I also understand you provide your
29 own boat?

30 A. Yes.



1 Q. Could you describe it to the
2 Commission, the size, and so on?

3 A. It is a 48-foot boat, 11-foot beam,
4 powered by two diesels.

5 Q. Is it decked.

6 A. Open boat, sir.

7 Q. Who handles your boat?

8 A. My brother, sir.

9 Q. Do you pay a salary to your brother?

10 A. Well, yes, sir.

11 Q. Apart from using it as a pilot boat,
12 do you use it for any other purposes?

13 A. I use it when I can use it as a
14 work boat. If there is any job available, I do it. I
15 get the boys out there to do the job.

16 Q. To come back to one point which
17 rather intrigued me, you said you served an apprentice-
18 ship with the Department of Transport. Would you explain
19 that, please?

20 A. It is a letter of recommendation
21 for me to be aboard the boat. It is just under a letter
22 of recommendation to the captain for my appearance aboard
23 the ship with my dad. Not to take over the ship, sir.
24 Just an apprentice to watch on.

25 Q. So you went on board the Department
26 boat; is that it?

27 A. On the foreign steamers coming in
28 I had a letter of recommendation explaining my reasons
29 to be aboard.

30 Q. Yes. I think we are not talking



1 about the same thing. You said a moment ago you served
2 as an apprentice with your father?

3 A. Yes, sir.

4 Q. And you also said that you served
5 an apprenticeship for one year?

6 A. Not with the Department of Trans-
7 port. With their authority, you see, with a letter,
8 explaining that I was aboard as an apprentice.

9 Q. Through the Department of Transport?

10 A. Yes, sir.

11 Q. Do you think that the charge of \$10
12 and \$15 for boat charge is adequate?

13 A. \$15?

14 Q. Or \$10, depending on the size of
15 the steamer.

16 A. No - well, it doesn't quite look
17 after it. It depends on how many steamers you get.

18 Q. Last year, for instance, did it
19 cover your expenses, your boat expenses?

20 A. Just about, sir.

21 Q. I have here, as Exhibit 9, your
22 report for 1962.

23 A. Yes.

24 Q. Dated the 31st of December, 1962,
25 and it gives the name of the steamships that you have
26 piloted through the waters; also the dues charged?

27 A. Yes, sir.

28 Q. These dues are for a return trip,
29 in and out?

30 A. Yes, sir.



1 Q. In most cases it is indicated that
2 the steam vessel has been piloted twice usually by you?

3 A. Yes, in and out.

4 Q. And does the charge include your
5 boat charge?

6 A. Yes, sir.

7 Q. That is the total charge to the
8 ship?

9 A. That is the total charge to the
10 ship.

11 Q. Do you bill the ship yourself?

12 A. Yes.

13 Q. You send your own bill?

14 A. Yes.

15 Q. You would not have a copy of your
16 bill here, would you?

17 A. Yes, sir.

18 Q. Can we keep this one?

19 A. Yes, sir.

20 THE CHAIRMAN: This is a bill for the
21 boat charge and also ---

22 THE WITNESS: And the pilotage, both.

23 MR. JACQUES: If we may, we will file this
24 bill as Exhibit 13.

25
26 --- EXHIBIT NO. 13: Sample of a pilot's bill for pilotage
27 dues and pilot boat charges.

28 Q. Now, this bill indicates your boat
29 hire, tonnage of the ship, and the rate, the draught?

30 A. That is right.



1 Q. For the inward voyage, and the same
2 for the outward voyage?

3 A. Yes.

4 Q. Do you prepare such a bill for each
5 ship that you pilot?

6 A. Yes.

7 Q. You keep records of that?

8 A. Yes.

9 Q. Was this form prepared by you or
10 supplied to you by the local Commission or other people?

11 A. Supplied by myself.

12 Q. You supply it yourself?

13 A. Yes, sir.

14 Q. Now, to come back to Exhibit 9, I
15 see that you have a column entitled expenses paid out for
16 boat hire?

17 A. Yes.

18 Q. And you have amounts \$50. Would you
19 care to explain that, please?

20 A. Yes, sir. For years me and my dad
21 have been piloting, and I have been running the boat, and
22 this is the way we split the cost. Usually all hours of
23 the night. Sometimes you have a whole night on the boat.

24 Q. That \$50 which is indicated in this
25 column would be \$50 which you are paying to your brother?

26 A. Yes, sir.

27 Q. As wages?

28 A. Yes, sir. And upkeep of the boat.

29 Q. In fact, that is what you claim to
30 be the expenses in operating the boat?



1 A. That is it, sir.

2 Q. And when you indicate \$50 and if
3 you get \$30 from the ship, it means that \$20 comes off
4 your earnings?

5 A. That is it.

6 Q. And the last column is net amount
7 earned?

8 A. Yes.

9 Q. That is deducting your expenses for
10 the boat?

11 A. Yes.

12 COMMISSIONER SMITH: What amount is that?

13 MR. JACQUES: This one is the gross
14 revenue including boat charge.

15 Q. Sir, do you find that there are
16 major difficulties for vessels entering Charlottetown
17 harbour?

18 A. It is not in the entrance, sir. It
19 is in the docking sometimes you find it difficult.

20 Q. Are there any peculiar currents due
21 to tides affecting strongly the vessels when they move in
22 the harbour and dock?

23 A. Along the dock, along all the docks
24 if there is a difference in the tide - sometimes when it
25 is supposed to be running out it is running in and vice
26 versa.

27 Q. Is there any clue to guide you as
28 to the way the current is running?

29 A. We just come up, sir, on the anchors
30 when we are docking and dock across the end of the wharf.



1 You cannot plan on going up to the dock on account of the
2 tides.

3 Q. Surely there is a tide table that
4 would give you the direction of the current?

5 A. No, it does not, sir.

6 Q. That is your experience?

7 A. Yes. Often the end of the wharf,
8 you put something over and it will go down and you make
9 a circle around. Up and down with the tide.

10 Q. Now, sir, apart from piloting ships,
11 do you have any other profession?

12 A. Yes.

13 Q. What is it?

14 A. I am a boss stevedore.

15 Q. Does this activity as a stevedore
16 interfere sometimes with your activity as a pilot?

17 A. No, sir.

18 Q. It does not?

19 A. No.

20 Q. It never happens that you are called
21 in both places at the same time?

22 A. No, sir. As long as you leave a
23 man as stevedore I can do the piloting.

24 Q. You have someone to assist you?

25 A. Assistant stevedore.

26 COMMISSIONER SMITH: If Your Lordship
27 pleases, I would like to ask the witness a couple of
28 questions. From the record I have before me I take it
29 that he has had as much or more experience than the
30 other pilots, so I am prompted to ask you this question:



1 the tankers, the super tankers or giant tankers or whatever
2 size comes in there - and I notice from the statement
3 this morning some quite large ones come in - where is the
4 bridge, fore or aft?

5 THE WITNESS: Of the tankers?

6 COMMISSIONER SMITH: Yes.

7 THE WITNESS: Amidships.

8 COMMISSIONER SMITH: Are there any tankers
9 that come in with the bridge aft?

10 THE WITNESS: Yes, sir.

11 COMMISSIONER SMITH: That is what I wanted
12 to inquire about particularly. Do you have any difficulty
13 in navigating that type of tanker with the bridge aft?

14 THE WITNESS: You do, yes. Your judgment
15 is not so good. You have to rely pretty well on the mate
16 to give you your distances.

17 Q. Would you explain how the mate fits
18 into this picture?

19 A. Yes, sir. The mate is for'ard and
20 it is hard to judge the distance on the tanker with the
21 bridge aft and know how far your prow is from the pier.
22 You have to rely on the mate to call the distance out.
23 If you are 40 or 30 feet, judging is very hard.

24 Q. So when the ship comes into the
25 harbour there is an officer from the ship standing by on
26 the bow?

27 A. No, just docking. That is the only
28 difference and difficulty you have.

29

30



1 EXAMINATION BY COMMISSIONER SMITH:

2 Q. I realize you have to have somebody
3 passing back information to you, but are there any other
4 problems?

5 A. No, sir. That is the only difference
6 I find.

7 Q. It is a question of properly gauging
8 or estimating ---

9 A. Estimating distances.

10 Q. Estimating distances that you are
11 away from the pier?

12 A. Yes, it is difficult.

13 Q. One other question, My Lord, and I
14 think I am finished. According to the annual report for
15 the year 1961 the amount you received is twenty-nine
16 hundred and some dollars. Is that the actual take-home
17 pay that you received from your operations in that year?

18 A. Yes, sir.

19 Q. That is the take-home?

20 A. Yes.

21 COMMISSIONER SMITH: That is all, thank
22 you.

23
24 EXAMINATION BY MR. JACQUES:

25 Q. How long does it take you to take a
26 ship in?

27 A. Well, it takes approximately an
28 hour to go out, sir, and it is an average of an hour back
29 in, and you can figure on anywhere from half-an-hour to
30 an hour to dock it.



1 Q. So you pick up a ship ---

2 A. Three hours. That is one way.

3 Q. About three hours work?

4 A. Yes, three hours work.

5 Q. What percentage of your time, your
6 working time, do you spend piloting? Is it your major
7 occupation, or is stevedoring your major occupation?

8 A. Well, stevedoring is, sir. Piloting,
9 you might have a good year and it might be very low.

10 Q. Do you spend, say, half-a-day or
11 a day a week piloting, or more than that?

12 A. Well, in the Fall of the year we
13 might get two days a week at it, sir.

14 Q. Two days a week?

15 A. Yes, sir.

16 Q. And during the rest of the year?

17 A. The rest of the year you might
18 possibly get a pilotage a week.

19 Q. What percentage of your earnings
20 is represented by your earnings as a pilot?

21 A. Would you say that again, sir?

22 Q. You receive net approximately \$3,000
23 from piloting?

24 A. Yes, sir.

25 COMMISSIONER SMITH: Excuse me, may I
26 interrupt just a moment? I do not want to be unfair to
27 the witness. I quoted a figure here for the year 1961 of
28 twenty-nine hundred and some dollars. Now, in the year
29 previous I see the figure was only \$488 take-home. Is
30 that right? That would be the year 1960.



1 THE WITNESS: In 1960, yes, sir.

2 COMMISSIONER SMITH: In 1960, \$488.12.

3 The reason I wanted to go back to that was that you made
4 the statement that the actual take-home pay varies from
5 year to year; some years it is up and some years it is
6 down. I quoted the big year of \$2,900. I wanted to get
7 on the record that the year before that, according to the
8 figures I have here which I don't know are right, is
9 \$488.12.

10 THE WITNESS: It has been good the last
11 couple of years on account of the big tankers.

12 Q. Are you satisfied with the amount
13 of money you get out of pilotage?

14 A. Yes, sir.

15 MR. JACQUES: Thank you, sir.

16
17 EXAMINATION BY MR. LANGLOIS:

18 Q. Is it not true, Mr. MacDonald, that
19 some people are satisfied with very little? Now, Mr.
20 MacDonald, about the conditions in this port of Charlotte-
21 town, you mentioned currents. Am I right in interpreting
22 your testimony as meaning that you have currents only
23 when you get close to the wharf?

24 A. No, sir. There are currents in the
25 harbour but they don't interfere. Close to the wharf
26 you get the tide running out so it is more than an eddy.

27 Q. What do you mean when you say they
28 don't interfere? Current is always a factor in sailing
29 a ship.

30 A. When you are going by lights,



1 watching them very close, it does interfere. You have to
2 keep pulling onto the line.

3 Q. Coming into Charlottetown what
4 currents are you getting as you come to the leading
5 lights?

6 A. You do get a two-knot current when
7 you come in on lower knots. You are not directly in it
8 so you do get some that pull you off. You keep pulling
9 your ship on.

10 Q. Is that current at an angle with
11 your course?

12 A. Yes, sir.

13 Q. On one side or the other?

14 A. Yes, sir.

15 Q. That is outgoing current?

16 A. Yes.

17 Q. What about incoming current?

18 A. You do get some.

19 Q. Also at an angle to your course
20 coming in or out?

21 A. Yes, sir.

22 Q. You mentioned that this current
23 created very little interference, if I understood you
24 correctly, but I understood that you said that was when
25 you were navigating by leading lights.

26 A. By the light.

27 Q. What happens when you navigate in
28 a fog, when you don't see the leading light?

29 A. We very seldom try to take a ship
30 through the narrows when there is fog.



1 Q. Am I to understand you never
2 pilot a ship when there is fog in and out of Charlotte-
3 town?

4 A. It is entirely up to the skipper,
5 when you go aboard, if he wants to risk it in the fog.
6 As a pilot on my own I wouldn't be fussy on doing it.

7 Q. Would you take a chance yourself
8 of taking a ship in fog into Saint John?

9 A. Into ---?

10 Q. Into Saint John.

11 COMMISSIONER SMITH: Into Charlottetown.

12 Q. Into Charlottetown?

13 A. Not without the consent of the
14 skipper.

15 Q. Speaking for yourself, supposing
16 the skipper is willing you pilot the ship, would you take
17 a chance of taking a ship in in a fog?

18 A. No, sir.

19 Q. Even with echo soundings and using
20 radar?

21 A. No, sir.

22 Q. No, sir. Does it happen often that
23 ships have been delayed by fog?

24 A. No, sir. It is not too often.

25 Q. It happens?

26 A. I guess in my time we went ahead
27 once, sir.

28 MR. JACQUES: I didn't hear the answer.

29 THE WITNESS: In my time there might be
30 one held up on account of fog.



1 Q. That you know of?

2 A. That I know of.

3 Q. What is the extent of fog? Do you
4 have fog very often?

5 A. No, sir. No, we don't get too
6 much.

7 Q. Not too much. Are you also refer-
8 ring, when you say that, to ground fog, that would prevent
9 you from seeing the buoys?

10 A. You do get it in the morning, but
11 as a rule - I think I have been held up once in the fog.

12 Q. What are the prevailing winds in
13 Charlottetown?

14 A. I beg your pardon?

15 Q. What are the prevailing winds?

16 A. Well...

17 Q. Probably you don't understand my
18 question. In what direction does the wind blow here?

19 A. It changes around pretty well.

20 Q. Do you get westerly winds more than
21 you get easterly?

22 A. We do get quite a bit of sou-westerly.

23 Q. Sou-westerly?

24 A. Southerly.

25 Q. Would you call that the prevailing
26 wind? Is that the one you get most often?

27 A. We do, sir, yes.

28 Q. What is the largest ship you have
29 taken in or out of Charlottetown harbour?

30 A. The largest, sir, was two years



1 ago. I just forget the tonnage of it, sir.

2 Q. You forget the tonnage. Do you
3 remember the draught?

4 A. The draught was 32 feet.

5 Q. Thirty-two?

6 A. Yes, sir.

7 COMMISSIONER SMITH: I thought there was
8 one that was 34 feet.

9 THE WITNESS: There was one 34, the Irving
10 Glen.

11 Q. What is the range of tide in
12 Charlottetown, the range of the tide?

13 A. We have 40 feet out along the
14 channel and along the docks it is 28 feet, sir.

15 Q. I am speaking of the range of the
16 tide, the difference between the level of the water, the
17 depth of the water at low tide and the depth at high
18 tide.

19 A. Six to nine feet.

20 Q. I beg your pardon?

21 A. Six to nine, the difference in the
22 rise of water, from six to nine feet.

23 THE CHAIRMAN: Six two nine?

24 MR. JACQUES: Six to nine.

25 Q. Six to nine. I thought I was in
26 the Bay of Fundy for a while. In taking a ship of a
27 draught of 34 feet would you notice that the ship is
28 feeling the bottom at low tide? Do you know what I mean
29 by feeling the bottom; she doesn't handle as well as she
30 would handle in deeper water.



1 A. I haven't noticed.

2 Q. You haven't noticed that. Would
3 you have to use a slower speed in coming in?

4 A. We do, sir.

5 Q. Now, you spoke of current as you
6 neared the docks. Is that what we call an undertow or
7 is it a surface current?

8 A. Surface current.

9 Q. Surface current; and it changes with
10 the tide?

11 A. Yes, sir. It could be different
12 at times. Apparently it happened since we had the new
13 causeway up at the bridge here.

14 Q. How often are you called upon to
15 take ships in and out of Charlottetown at night?

16 A. Most of the pilotage is done at
17 night.

18 Q. Most of the pilotage is done at
19 night?

20 A. Yes, sir.

21 Q. Besides the experience you have had
22 with your father's boat, did you have any out-at-sea
23 experience?

24 A. No, sir.

25 Q. You mentioned that your boat hired -
26 the revenue deriving from your boat as a pilot boat barely
27 covers your operating expenses. What are your operating
28 expenses of the boat, roughly?

29 A. The operating expenses of the boat -
30 usually in the Spring it costs around \$400, repairing



1 and getting it out, and in the summer you have got to
2 take it up and paint, upkeep and oil and everything.
3 Your boat expenses would be approximately \$800 for the
4 year, sir.

5 Q. \$800 for the year?

6 A. That is for the boat, plus the man's
7 salary.

8 Q. How much are you getting as an
9 average hiring your boat for pilotage duties?

10 A. You get \$30 for each steamer.

11 Q. How much would you get in a year
12 as an average?

13 A. How is that, sir?

14 Q. What is the total revenue you get
15 for the hire of your boat in any year as an average?

16 A. From pilotage?

17 Q. For the hire of your boat you get
18 \$30?

19 THE CHAIRMAN: He hires it in two ways:
20 one for pilotage and also for other work.

21 THE WITNESS: Yes, sir.

22 THE CHAIRMAN: He has two incomes from his
23 boat. Which one do you want?

24 Q. I am asking for pilotage. You get
25 \$15 for your boat when you go out to a ship?

26 A. Yes, sir.

27 Q. How much do you get in this way in
28 one year?

29 A. It all depends how many ships.

30 Q. As an average?



1 A. The average is high. The last two
2 years around \$500.

3 Q. \$500?

4 A. Yes, sir. It wouldn't be that this
5 year, sir, because we just started getting this.

6 Q. This was the first year?

7 A. We didn't quite get that, sir.
8 That is what it would average.

9 Q. You use your boat for some other
10 operation?

11 A. Yes, sir.

12 Q. How much do you derive?

13 A. It is just a part-time job. It is
14 hard to tell.

15 Q. Could you say a few hundred dollars?

16 A. Yes, sir.

17 THE CHAIRMAN: Even with the other monies
18 you got from outside sources other than pilotage you
19 barely made the expenses?

20 THE WITNESS: You wouldn't pay a man full-
21 time to stay around and maintain your boat.

22 COMMISSIONER RENWICK: That is without
23 respect to any depreciation?

24 THE WITNESS: No, sir.

25 Q. When you give your operating
26 expenses for your boat does that include marine insurance
27 on the boat?

28 A. Yes, sir.

29 MR. JACQUES: According to Exhibit 9
30 expenses for 1961, for last year, were \$1,240.



1 THE CHAIRMAN: How much?

2 MR. JACQUES: \$1,240.

3 THE CHAIRMAN: Boat charges?

4 MR. JACQUES: No boat charges. Twenty-
5 seven round trips and one single trip for that year, so
6 that would be roughly \$825 at \$15 per trip.

7 THE WITNESS: Pardon me, sir, there
8 wouldn't be 27 because it just came in during the summer.
9 There wouldn't be 27 times \$15 on that. That just came
10 in about the middle of the summer, the boat hire.

11 MR. JACQUES: It came in force in June,
12 1962. If the charge had been in force for the whole year
13 you would have received \$825 on the boat charge as against
14 expenses of \$1,240.

15 THE CHAIRMAN: It would have been that?

16 MR. JACQUES: It would have been that.

17 THE WITNESS: Yes, sir.

18 MR. LANGLOIS: The bylaw wasn't passed at
19 the time.

20 MR. JACQUES: In June.

21 MR. LANGLOIS: \$400.

22 Q. Are you sometimes paid for deten-
23 tion? Suppose you are called to a ship to move her out
24 and the ship isn't ready to go out, are you paid deten-
25 tion?

26 A. No, sir. It is very seldom we
27 wait on board. We usually set a time and I come back,
28 sir.

29 Q. Am I to understand the ship might
30 be waiting for you rather than you waiting for the ship?



1 A. I will be around. I am usually
2 around handy, sir. They could 'phone me.

3 Q. Are you reimbursed any travelling
4 expenses? Supposing you are home at night and you are
5 called to take a boat out into the wharf and you get your
6 boat out and go out and meet the ship; are you paid
7 expenses, taxis?

8 A. No, sir.

9 Q. If you have such expenses these
10 would have to be deducted from your gross revenue?

11 A. Right, sir.

12 Q. Are you called on to do compass
13 swinging?

14 A. Pardon?

15 Q. To swing a ship on compass adjust-
16 ment; are you called upon to do that?

17 A. No, sir.

18 Q. You stated in answer to a question
19 by Mr. Jacques that you usually handle the ship yourself.
20 Am I to understand that you actually take over the tele-
21 graph?

22 A. No, no, no, sir, definitely not.

23 Q. Would you describe what you do when
24 a ship comes alongside?

25 A. Well, when a ship is coming along-
26 side the pier and I want half-speed, I tell the captain
27 to give me half-speed. If I want stern he gives me sterns.
28 If I want to go port he will give me ports, whatever it
29 may be. I tell the helmsman what I want in steering and
30 the captain does telegraphing.



1 Q. Do you give orders direct to the
2 helmsman?

3 A. No, I give them and the captain is
4 there, too, sir.

5 Q. For example, are you the one who
6 hollers to put the lines out when the ship comes along-
7 side?

8 A. No, sir. I tell the captain and
9 the captain does.

10 Q. When coming in with a ship equipped
11 with depth sounders, do you recommend to the captain to
12 use it as you come in or go out?

13 A. No, sir, he does that on his own.

14 MR. LANGLOIS: That is all, sir.

15 MR. JACQUES: Just a minute, sir. This
16 Exhibit 6, a plan of Charlottetown, can you tell me where
17 these large tankers usually dock?

18 THE WITNESS: Yes, sir. We come across
19 the end of the Railway Wharf, as we call it.

20 MR. JACQUES: That is where you dock them?

21 THE WITNESS: Yes.

22 MR. JACQUES: What is the width of the
23 face of the Railway Wharf, roughly?

24 THE WITNESS: Well, it is roughly 400 feet,
25 sir.

26 MR. JACQUES: 400 feet, and the length of
27 the tankers that dock there?

28 THE WITNESS: 560 feet, and some of them
29 are smaller.

30 MR. JACQUES: So both ends of the ship



1 would be sticking out?

2 THE WITNESS: Yes.

3 MR. JACQUES: Is your boat used to handle
4 mooring lines fore and aft?

5 THE WITNESS: Yes, sir.

6 MR. JACQUES: It is used?

7 THE WITNESS: Yes, sir.

8 MR. JACQUES: Do you make a special charge
9 for it?

10 THE WITNESS: No.

11 MR. JACQUES: It is all included?

12 THE WITNESS: Yes.

13 MR. JACQUES: Thank you.

14 COMMISSIONER SMITH: My Lord, could I ask
15 a question? In answer to Mr. Langlois you said something
16 about leaving it to the masters of the ships whether you
17 would proceed in inclement weather, a little bit of fog.

18 THE WITNESS: Yes, sir.

19 COMMISSIONER SMITH: You, as a pilot,
20 according to the Canada Shipping Act - I think the expres-
21 sion is "The conduct of the ship is in the pilot's hands"?

22 THE WITNESS: Yes, sir.

23 COMMISSIONER SMITH: That is the technical
24 phraseology of the Act. I realize and I think, fundamen-
25 tally, that the captain is always in charge and responsible
26 for his ship?

27 THE WITNESS: Yes.

28 COMMISSIONER SMITH: There seems to be a
29 little bit of contradiction there, but we need not go
30 into the technicalities. When you discuss the question



1 with the master as to whether you proceed or not is the
2 final decision made by you? Does he say to you, "You
3 will pilot."? What do you say? Who makes the final
4 decision?

5 THE WITNESS: I wouldn't venture into it.
6 It would be up to him.

7 COMMISSIONER SMITH: Pardon?

8 THE WITNESS: It is usually up to the
9 captain.

10 COMMISSIONER SMITH: He says: "It is all
11 right, I am going to take the ship in," and you go ahead?

12 THE WITNESS: Yes, sir. I work with him.

13 THE CHAIRMAN: But if the captain says,
14 despite the fog, "We go in," would you say no?

15 THE WITNESS: I would go along with him
16 if he wanted to go in.

17 THE CHAIRMAN: You work with him?

18 THE WITNESS: Yes, with the captain.

19 THE CHAIRMAN: If the captain wants to
20 enter the harbour despite the fog, you will pilot the
21 ship the same?

22 THE WITNESS: Yes, sir. I work with the
23 captain.

24 MR. LANGLOIS: Would you recommend to the
25 captain coming in in fog?

26 THE WITNESS: No, sir.

27 MR. JACQUES: When you say you work with
28 the captain, would you explain, please? I don't quite
29 understand what you mean.

30 THE WITNESS: Well, I would be aboard the



1 ship, I work with him, I operate the buoys for him on his
2 radar. We have a buoy here.

3 MR. JACQUES: You indicate a flashing
4 red buoy off Battery Point on Exhibit 6?

5 THE WITNESS: Yes, sir. And then we have
6 got two more buoys in here.

7 MR. JACQUES: You indicate two black can
8 buoys?

9 THE WITNESS: Yes; and we have a red can
10 here.

11 MR. JACQUES: Who does the actual coning
12 of the ship, saying starboard, port, etc?

13 THE WITNESS: It would be the captain in
14 the fog.

15 MR. JACQUES: Thank you very much.

16 MR. LANGLOIS: Just one question, Mr.
17 MacDonald.

18 Do you know how to read a radar screen?

19 THE WITNESS: No, sir, not radar.

20 MR. LANGLOIS: Thank you.

21 COMMISSIONER SMITH: Do they have echo
22 sounding devices on these ships?

23 THE WITNESS: Yes, sir, on some.

24 COMMISSIONER SMITH: You can understand
25 those?

26 THE WITNESS: Well, they read them, they
27 give the soundings.

28 COMMISSIONER SMITH: You can read them?

29 THE WITNESS: No, the mate tells the
30 soundings.



1 MR. LANGLOIS: Do you know how to read
2 the chart that is on the machine?

3 THE WITNESS: Yes, sir.

4 THE CHAIRMAN: Thank you very much.

5
6 EVERETT ROY CLOW, sworn

7 THE SECRETARY: Please give your name in
8 full.

9 THE WITNESS: Everett Roy Clow.

10

11 EXAMINATION BY MR. JACQUES:

12 Q. You wear glasses, I notice?

13 A. Yes.

14 Q. What is wrong with your eyes?

15 A. Same thing as yours, probably.

16 Q. Shortsighted?

17 A. No, farsighted.

18 Q. How long have you been a pilot, sir?

19 A. Two years, sir.

20 Q. In what port?

21 A. Georgetown, Cardigan River, Montague.

22 Q. How many jobs did you have in 1962?

23 A. Only four, sir.

24 Q. What sort of ships were they?

25 A. One was a Danish ship; she was
26 loaded with pulpwood, and the other one was a converted
27 L.S.T., an old invasion barge, American invasion barge.

28 Q. That is two ships, four jobs?

29 A. And two small schooners.

30 Q. What was the size of the largest



1 which you have piloted?

2 A. I am not sure; I think it was
3 2,100 tons. I am not sure.

4 Q. Gross or net?

5 A. Registered. I couldn't get my
6 records; they are all on the boat. She is covered over
7 for winter. I couldn't get in. But I think it is
8 around 2,100 tons.

9 Q. Now, sir, how did you become a
10 pilot; what prompted you and what did you do in order to
11 qualify as a pilot?

12 A. I made application to the Department
13 of Transport. I worked for the Dominion Department of
14 Fisheries; I was a fishery officer, with seasonal employ-
15 ment. I had my own boat, and the pilot that was in
16 Georgetown passed away a couple of years ago, and I made
17 application; there was no pilot there. I made application
18 through the Department of Transport for a pilot's licence.

19 Q. What did you do in order to qualify
20 as a pilot?

21 A. Well, I had to have an eyesight
22 test, colour-blind test and questions on buoys.

23 Q. Did you take a practical test on
24 one of the Department of Transport ships?

25 A. Yes, on the Tupper.

26 Q. What did that consist of?

27 A. Taking the ship in from Panmure
28 Island to the entrance to Georgetown harbour.

29 Q. How long a trip is it to go from,
30 say, the pickup point?



1 A. To Georgetown it wouldn't be over
2 half-an-hour from Panmure Island, that is the last buoy.
3 It would be approximately a half-hour.

4 Q. How many miles would that be,
5 roughly?

6 A. Oh, between four and five.

7 Q. Are these tidal waters, with rever-
8 sal currents?

9 A. Not very much current. About two
10 knots would be the strongest current.

11 Q. Does it flow in either direction?

12 A. No, it flows off the mouth of
13 Sturgeon Bay. There is a strong current there off
14 Cardigan River.

15 Q. Is the channel very wide?

16 A. In places, yes.

17 Q. What is the narrowest width?

18 A. I suppose maybe 200 feet, roughly.
19 The buoys off the mouth of Sturgeon River would probably
20 be roughly, approximately, 200 feet.

21 Q. Is it a straight run?

22 A. Yes, it is fairly straight, on the
23 first ranges, the first set of ranges.

24 Q. I suppose you would have a turn?

25 A. Yes, quite a sharp turn, about 70
26 degrees, possibly.

27 Q. Do you have other ranges to make
28 your turn?

29 A. Yes, another set of ranges at
30 Railway Wharf, Georgetown.



1 Q. Inside the harbour is there much
2 tide and current?

3 A. No. I suppose possibly one-knot
4 tide would probably be the strongest.

5 Q. Does it affect your manoeuvring
6 of the vessels very much?

7 A. No, sir, you wouldn't notice it.
8 The only time you might notice it was when you are
9 waiting for the wharf to be cleared, you might notice a
10 slight drift. But otherwise you wouldn't notice it.

11 Q. Do you do the actual docking of
12 the vessel?

13 A. Yes, I do, on the smaller ones,
14 right up to Montague.

15 Q. Do you give orders direct to the
16 wheelsman?

17 A. To the wheelsman. The captain
18 gives the orders to the mate by megaphone.

19 Q. That is for handling the mooring
20 lines?

21 A. Yes.

22 Q. What about the telegraph?

23 A. Yes, the captain does that.

24 Q. You tell him the speed, half-speed,
25 and so on?

26 A. Yes.

27 Q. Do you use the anchor?

28 A. No. I only used the anchor on one
29 ship. We had to shift her from one side of the wharf.

30 Q. Do you do the actual shifting?



1 A. Yes, with the assistance of the
2 captain.

3 Q. What about depth? Is the channel
4 inside shallow or deep or dangerous in that regard?

5 A. No, not into Georgetown. It is
6 from there up to Montague. Thirteen feet is about the
7 shallowest. I am sorry, I took that L.S.T. up to Montague
8 Bridge. She drew about 13 feet, 13 feet, 6 inches.

9 Q. Is that at low water?

10 A. Yes. The shallowest, I think, is
11 13 feet at low water, approximately.

12 Q. You mentioned that you had a boat
13 as an officer of the Department of Fisheries?

14 A. Yes, I had my own boat.

15 Q. Was that the boat that you were
16 piloting?

17 A. I only used my own boat once. My
18 cousin was with me. The other twice I hired another
19 boat at Montague, a boat the same size, 42 feet.

20 Q. How much did you pay him?

21 A. \$15.

22 Q. The amount you received since June
23 for boat charges?

24 A. Yes. For the smaller schooners
25 there was no boat charge. I went aboard them and took
26 them up to Montague and they came into Georgetown on
27 their own.

28 Q. What about your expenses ashore?

29 A. I didn't put them in. It was only
30 a short drive, about 10 miles.



1 Q. Since you have been a pilot has it
2 ever happened that your normal duties interfered with
3 your piloting?

4 A. Not so far, sir. The first boat I
5 brought in at 11 o'clock at night. I picked her up, I
6 was supposed to pick her up, but she didn't come until
7 4 o'clock in the morning, and she came up to Montague.
8 And the other time I picked her up about daybreak and
9 took her out after hours, after working hours, and it
10 didn't interfere. The two schooners I took up late in
11 the Fall after I was through.

12 Q. Has the Department of Fisheries
13 made any representation to you as regards piloting?

14 A. No, sir.

15 Q. They are satisfied with that, as
16 far as you know?

17 A. Yes, sir.

18 Q. Have they ever warned you not to
19 do any piloting on your government time?

20 A. No, sir.

21 MR. JACQUES: Thank you, sir.

22

23 EXAMINATION BY MR. LANGLOIS:

24 Q. Mr. Clow, how are you advised
25 that your services are required on a ship?

26 A. I was called by 'phone from the
27 shipping agent that loads the pulp, that loads the boats
28 at Georgetown. The two schooners were coming in to pick
29 up potatoes. I was advised by the shipping agent by
30 'phone.



1 Q. You did only four ships in 1962?

2 A. Yes, sir.

3 MR. LANGLOIS: That is all, thank you.

4 COMMISSIONER SMITH: There is only one
5 thing; I think I missed the point. Did you say that you
6 were engaged by the Department of Fisheries?

7 THE WITNESS: Yes, Dominion Department of
8 Fisheries.

9 COMMISSIONER SMITH: In what capacity?

10 THE WITNESS: Fishery officer.

11 COMMISSIONER SMITH: What is your area
12 territorially?

13 THE WITNESS: My area is from Annandale
14 to Wood Island. It covers about some 40-odd miles,
15 coastline, including the harbours.

16 COMMISSIONER SMITH: That is all, thank
17 you, My Lord.

18 MR. JACQUES: Thank you, sir.

19
20 J. RUSSELL ST. JOHN, recalled

21 THE SECRETARY: You are still sworn, Mr.
22 St. John.

23
24 EXAMINATION BY MR. JACQUES:

25 Q. Mr. St. John, I believe you were
26 to bring a copy of the shipping casualties for Prince
27 Edward Island?

28 A. Yes, sir.

29 Q. Do you have these documents,
30 please?



1 A. Yes, for the past five years.

2 Q. I also believe you were to bring
3 Form S-1 for shipping reports?

4 A. Yes.

5 MR. JACQUES: And the shipping casualty
6 reports will be Exhibit ---?

7 THE SECRETARY: Exhibit 14.

8
9 --- EXHIBIT NO. 14: Sample of a shipping report to the
10 Dominion Bureau of Statistics.

11 MR. JACQUES: May we file a copy of the
12 shipping report as Exhibit 13?

13
14
15
16 MR. JACQUES: That concludes the evidence
17 for Charlottetown, My Lord, unless you wish to hear any
18 other witnesses.

19 THE CHAIRMAN: What about the other one
20 you had in mind?

21 MR. JACQUES: I didn't feel we need
22 enquire into anything further.

23 There is one point which I have discussed
24 with him, and unfortunately he can't give the answer.

25 COMMISSIONER SMITH: Mr. Jacques, I haven't
26 analyzed these exhibits, but is there contained in either
27 one of them the total number of ships entering and clearing
28 the ports in a period of years?

29 MR. JACQUES: No, sir. The shipping
30 casualties are, in fact, the actual number of casualties



1 over the past five years. As regards the green document
2 which we have and which has been filed as Exhibit 14,
3 this just serves as an example of a shipping report
4 which forms the basis of the statistics used by the
5 Dominion Bureau of Statistics.

6 However, you will be supplied with those
7 statistics concerning Saint John. You will obtain them
8 any time the Commission so wishes because they cover the
9 whole of Canada. We thought of filing one exhibit for all
10 the districts since they cover all the districts.

11 COMMISSIONER SMITH: That is fine. I
12 just wanted to make sure that we get them.

13 MR. JACQUES: To continue filing exhibits

14 THE CHAIRMAN: On that last exhibit, when
15 is it going to come?

16 MR. JACQUES: As soon as we get it from
17 the Dominion Bureau of Statistics.

18 THE CHAIRMAN: We should have that as
19 soon as possible so that we know in advance before going
20 to any place for a hearing.

21 MR. JACQUES: We had copies, but unfor-
22 tunately we could not dig them out, so we have to order
23 copies for our use. These statistics will be filed as
24 Exhibit 15, statistics from the Dominion Bureau of Statis-
25 tics.

26 COMMISSIONER SMITH: Just for the port of
27 Charlottetown or all over?

28 THE CHAIRMAN: All over.

29 MR. JACQUES: It covers Canada, sir.

30 THE SECRETARY: It is an annual report.



1 MR. JACQUES: Dominion Bureau of Statis-
2 tics Shipping Report, the last five years.

3
4 --- EXHIBIT NO. 15: Shipping reports, 1957 to date -
5 Dominion Bureau of Statistics.

6
7 MR. JACQUES: And lastly, Exhibit 16,
8 sailing directions, tide tables and current tables, and
9 that covers other districts, also.

10 THE SECRETARY: Shipping reports.

11
12 --- EXHIBIT NO. 16: St. Lawrence Pilot (Atlantic Coast,
13 Gulf and St. Lawrence River to
14 Quebec)

15 THE CHAIRMAN: We have nothing special
16 arranged for tomorrow?

17 MR. JACQUES: Nothing arranged for
18 tomorrow.

19 THE CHAIRMAN: So the next meeting will be
20 in Saint John on Thursday?

21 MR. JACQUES: Yes, My Lord.

22 THE CHAIRMAN: If anything else crops up
23 tomorrow we will be here.

24 MR. JACQUES: My Lord, the Chairman of the
25 local Commission has been so kind as to offer two cars
26 to visit the Charlottetown area, Charlottetown harbour,
27 tomorrow morning at 10 o'clock.

28 THE CHAIRMAN: We would appreciate it very,
29 very much. Thank you, we will be there.

30 --- Whereupon the hearing adjourned at 3.45 p.m. until 10 a.m.
Thursday, February 14th, 1963, at Saint John, N.B.

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

SAINT JOHN

N.B.

VOLUME No.:

2

DATE:

FEBRUARY 14 1963

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1
2 ROYAL COMMISSION ON MARINE PILOTAGE

3 Proceedings of the hearing held
4 in the Court House, Saint John,
5 New Brunswick, on Thursday, the
6 14th day of February, 1963.

7
8 COMMISSION:

9 The Honourable Mr. Justice Bernier Chairman
10 Robert K. Smith, Esq. Member
11 Harold A. Renwick, Esq. Member

12
13
14 Mr. Gilbert W. Nadeau Secretary

15
16
17 COMMISSION COUNSEL:

18 Mr. Maurice Jacques, Q.C.

19
20
21 Mr. Leopold Langlois, Q.C., for the Canadian
22 Merchant Service Guild, Inc.

23 Mr. E. Neil McKelvey, Q.C., for the Pilots'
24 Committee of Saint John Pilotage District.
25
26
27
28
29
30



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ENT/dw 1 --- On commencing at 10 a.m.

2 THE CHAIRMAN: Well, gentlemen, as you
3 all know we are on our second stop of our cross-Canada
4 voyage on the Royal Commission on Pilotage. You all
5 know the terms of reference. The task is huge. We are
6 on a trip of fact-finding, and we are here this morning
7 and we hope and we are sure that you are going to help
8 us by giving us a lot of facts available, and we thank
9 you in advance for your co-operation.

10 MR. JACQUES: May it please the Commission,
11 at the hearing in Charlottetown there was filed as
12 Exhibit 12 Shipping Casualties Report, being form Wreck 1
13 and Wreck 2 as known in the Department.

14 I am now advised that these forms are
15 confidential. With my friend's permission we would with-
16 draw them from the file and replace the exhibit with
17 information compiled by us or the Department on casualties
18 occurring in pilotage waters where a pilot is on board or
19 not. Some of these exhibits are not relevant because
20 they concern casualties at sea, fires, breakdowns of
21 machinery. I am sure the Commission has no interest in
22 that at all.

23 THE CHAIRMAN: The question is as to
24 whether you should take it upon yourself to decide what
25 is involving pilotage or not. There should be made a
26 breakdown of them all, a compilation of them all, by
27 nature of casualty and so on, and let the Commission
28 decide. There may be borderline cases, and I think it
29 might be better for everybody concerned that you leave
30 this task to us as long as you have the necessary



1 information, especially as to the nature, the cause of
2 the casualty.

3 MR. JACQUES: Very well, My Lord.

4 MR. LANGLOIS: What was the number?

5 MR. JACQUES: Exhibit 12. Another point:
6 as mentioned in Charlottetown the Commission will refer
7 here again to the St. Lawrence Pilot and the Atlantic
8 Coast tide and current tables.

9 Since the Commission had an informal
10 hearing in Shediac yesterday, I think I should file the
11 charts and bylaws applicable to all New Brunswick
12 districts, and also file the documents which were
13 obtained in Shediac. The Saint John bylaws will be
14 Exhibit 17.

15
16 --- EXHIBIT NO. 17: Saint John bylaws.

17
18 MR. JACQUES: Shediac bylaws will be
19 Exhibit 18.

20
21 --- EXHIBIT NO. 18: Shediac bylaws.

22
23 MR. JACQUES: Exhibit 19, Buctouche
24 bylaws.

25
26 --- EXHIBIT NO. 19: Buctouche bylaws.

27
28 MR. JACQUES: Richibucto bylaws, Exhibit
29 20.

30



1 --- EXHIBIT NO. 20: Richibucto bylaws.

2

3 MR. JACQUES: Miramichi bylaws, Exhibit 21.

4

5 --- EXHIBIT NO. 21: Miramichi bylaws.

6

7 MR. JACQUES: Restigouche bylaws, Exhibit
8 22.

9

10 --- EXHIBIT NO. 22: Restigouche bylaws.

11

12 COMMISSIONER SMITH: Does that cover all
13 the local pilotage authorities in the province?

14 MR. JACQUES: Yes, sir. Bathurst bylaws,
15 Exhibit 23.

16

17 --- EXHIBIT NO. 23: Bathurst bylaws.

18

19 MR. JACQUES: Caraquet bylaws, Exhibit 24.

20

21 --- EXHIBIT NO. 24: Caraquet bylaws.

22

23 MR. JACQUES: We will now file relevant
24 charts. Chart 4319, being Saint John Harbour and
25 approaches as Exhibit 25.

26

27 --- EXHIBIT NO. 25: Chart 4319, Saint John Harbour
28 and approaches.

29

30 MR. JACQUES: Chart 4333, being Point



1 Lepreau to Cape Spencer, Exhibit 26.

2
3 --- EXHIBIT NO. 26: Chart 4333, Point Lepreau to Cape
4 Spencer.

5 MR. JACQUES: Chart 4478, being Shediac
6 Harbour and approaches, Exhibit 27.

7
8 --- EXHIBIT NO. 27: Chart 4478, Shediac Harbour and
9 approaches.

10
11 MR. JACQUES: Chart 4441, being Buctouche
12 River, Exhibit 28.

13
14 --- EXHIBIT NO. 28: Chart 4441, Buctouche River.

15
16 MR. JACQUES: Chart 4438, being Richibucto
17 River, Exhibit 29.

18
19 --- EXHIBIT NO. 29: Chart 4438, Richibucto River.

20
21 MR. JACQUES: Chart 4423, being Miramichi
22 Bay, Exhibit 30.

23
24 --- EXHIBIT NO. 30: Chart 4423, Miramichi Bay.

25
26 MR. JACQUES: As Exhibit 31, Chart 4424,
27 Miramichi River.

28
29 --- EXHIBIT NO. 31: Chart 4424, Miramichi River.

30



1 MR. JACQUES: As Exhibit 32, Chart 4426,
2 being Restigouche River.

3
4 --- EXHIBIT NO. 32: Chart 4426, Restigouche River.

5
6 MR. JACQUES: Exhibit 33, Chart 4413,
7 being Bathurst Harbour.

8
9 --- EXHIBIT NO. 33: Chart 4413, Bathurst Harbour.

10
11 MR. JACQUES: Exhibit 34, Chart 4439,
12 Caraquet.

13
14 --- EXHIBIT NO. 34: Chart 4439, Caraquet.

15
16 MR. JACQUES: As Exhibit 35, My Lord, I
17 would file the book of accounts kept by the Secretary of
18 Shediac district.

19
20 --- EXHIBIT NO. 35: Book of accounts, Shediac district.

21
22 MR. JACQUES: Exhibit 36, the invoices for
23 each pilotage which have been made available to us at
24 Shediac.

25
26 --- EXHIBIT NO. 36: Invoices re pilotage at Shediac.

27
28 MR. JACQUES: As Exhibit 37, the bank
29 pass book of the district of Shediac.

30



1 --- EXHIBIT NO. 37: Bank pass book, district of Shediac.

2

3 MR. JACQUES: The minutes of this informal
4 hearing will be prepared and submitted to the Commission,
5 and a copy forwarded to the Secretary for his information,
6 and also to my learned friend, Mr. Langlois, for his own
7 information.

8 My Lord, since this district is not
9 covered in the Saint John Pilot, we will also file the
10 Nova Scotia Pilot, being Nova Scotia Southeast Coast and
11 Bay of Fundy Pilot, Canadian Hydrographic Service, as
12 Exhibit 38.

13 --- EXHIBIT NO. 38: Nova Scotia Southeast Coast and Bay
14 of Fundy Pilot, Can. Hydrographic Service.

THE SECRETARY: Exhibit 38 is the minutes?

14 MR. JACQUES: No, they will not be filed
15 as an exhibit. They will be filed as minutes.

16 THE CHAIRMAN: I do not suppose you intend
17 the exhibits that you filed to be kept by the Commission
18 until we make our report because they will need them
19 this summer.

20 MR. JACQUES: No, as soon as we get back
21 to Ottawa photo copies of the exhibits will be made and
22 the originals returned to the district, or vice versa,
23 if you so wish.

24 THE CHAIRMAN: I am just wondering whether,
25 for instance, we should not go through the invoices and
26 decide what we should keep, or take a copy of that and
27 so on, and return everything. At the next administrative
28 meeting we can discuss that.

29 MR. JACQUES: Very well, My Lord. I have
30 another remark before the hearing gets under way. In



1 Saint John the pilotage district is administered by the
2 Minister as pilotage authority. I will be calling as a
3 witness the supervisor. As stated before, I wish to
4 make it clear that the local supervisor will only be
5 called upon to give evidence on facts only. Matters of
6 policy should be left up to the Minister if we wish to
7 have evidence on those matters. I trust I shall have my
8 friend's co-operation on that matter.

9 Another point is that I submit since some
10 control over what is a matter of policy or a matter of
11 fact only is needed, I would submit that the local super-
12 visor be not submitted to cross-examination, but if any
13 of the parties appearing before the Commission wish to
14 put any questions to him, they could be so put either
15 through the Commission or through me.

16 Those are the only remarks which I have to
17 make at this moment, My Lord.

18 MR. LANGLOIS: My Lord, while I am in
19 agreement with what my friend has just said about the
20 evidence to be given by the supervisor of pilots here in
21 Saint John that we should stick to the facts, I
22 respectfully submit that we can stick to facts while
23 cross-examining a witness, and I trust My Lord will stop
24 me if we get away from the facts, but I think we should
25 be allowed to cross-examine this witness like all the
26 other witnesses.

27 THE CHAIRMAN: In any event, we will
28 carry on, and when there is a difficulty you will raise
29 it and we will see.

30 COMMISSIONER SMITH: Mr. Jacques, will



1 you have any other witnesses besides the supervisor?

2 MR. JACQUES: Yes, sir. I have the
3 harbourmaster and I have the assistant district engineer
4 from Public Works.

5 THE CHAIRMAN: You may carry on.

6 MR. JACQUES: My Lord, since this is an
7 inquiry into pilotage I feel the pilots should speak
8 first unless they have strong objection.

9 THE CHAIRMAN: Yes.

10 MR. McKELVEY: My Lord and gentlemen, we
11 are completely in the hands of the Commission. Whatever
12 you wish. We are quite prepared to proceed.

13 THE CHAIRMAN: That is all right, we will
14 hear you.

15 MR. McKELVEY: Your Lordship and gentlemen,
16 we have filed with the Commission a brief in which there
17 are set out a number of mostly matters of fact and some
18 matters of argument. I believe that the questions of
19 fact are non-contentious and therefore in giving testi-
20 mony to support them I will tend to be somewhat cursory
21 in my examination. Unless something arises which my
22 learned friend feels requires further investigation, I
23 will restrict my questions to pretty well what is in the
24 brief since, when you prepare one of these briefs, as
25 Your Lordship knows, you put in it what you want to say,
26 and there is not too much in the way of elaboration from
27 the standpoint of fact.

28 If I might proceed. Might I ask for the
29 direction of Your Lordship? The brief that we have filed,
30 is it required to be filed with the Commission as an



1 exhibit?

2 THE CHAIRMAN: No, I do not think so.

3 MR. McKELVEY: In that case, Your Lordship
4 and gentlemen, I would offer in evidence the brief of the
5 Pilots of the Pilotage District of Saint John, which was
6 previously submitted to the Commission Secretary, as
7 Exhibit 39.

8
9 --- EXHIBIT NO. 39: Brief of the Pilots of the Pilotage
10 District of Saint John.

11
12 MR. McKELVEY: I would also file with the
13 brief two exhibits called Exhibit A and Exhibit B which
14 are copies of charts already in evidence, but they have
15 some material written on them so I will offer Exhibit A
16 to that brief.

17 THE CHAIRMAN: You have already in your
18 brief referred to them as Exhibit A and Exhibit B,
19 Schedule A and Schedule B.

20 MR. McKELVEY: Very well. Therefore, I
21 take it Exhibit 39 before the Commission also includes
22 these exhibits?

23 THE CHAIRMAN: Yes, that is right.

24 MR. McKELVEY: I would like to call pilot
25 Frederick M.J. Quinn.

26
27 FREDERICK M.J. QUINN, sworn

28 MR. McKELVEY: Your Lordship, might I ask
29 for the direction of the Commission as to whether the
30 witness can sit down? It is the practice in New Brunswick.



1 I realize it is not in your province.

2 THE CHAIRMAN: Yes, he may sit down.

3
4 DIRECT EXAMINATION BY MR. McKELVEY:

5 Q. Mr. Quinn, before we start the
6 brief I would like to refer you to the Nova Scotia and
7 Bay of Fundy Pilot. First of all, give us your name.

8 A. Frederick M.J. Quinn.

9 Q. And your age?

10 A. 45.

11 Q. Your address?

12 A. 140 Broad Street, Saint John.

13 Q. New Brunswick?

14 A. New Brunswick.

15 Q. Are you a pilot in the pilotage
16 district of Saint John?

17 A. I am.

18 Q. Do you hold a licence?

19 A. I do.

20 Q. Who is your licence issued by?

21 A. Issued by the Minister.

22 Q. Minister of Transport?

23 A. Minister of Transport.

24 Q. How long have you been a pilot in
25 this district?

26 A. I have been a pilot since February
27 12th, 1945.

28 Q. Mr. Quinn, the bylaws of the
29 Saint John district call for the election of a Pilotage
30 Committee each year. Are you a member of the Pilotage



1 Committee?

2 A. I am.

3 Q. Before we refer to the brief, Mr.
4 Quinn, I would like to refer you to the Nova Scotia
5 and Bay of Fundy Pilot which is Exhibit 38 before the
6 Commission at page 34. I am reading you a paragraph
7 which begins at line 23:

8 "The pilot vessel will meet ships
9 between the Fairway Buoy and the
10 harbour limits south of Partridge
11 Island."

12 Is that correct?

13 A. No, that is not correct. We meet
14 ships outside of the Fairway, outside Black Point buoy,
15 approximately a mile outside of the buoy. This seems to
16 be a typographical error here.

17 Q. Would you please look at Exhibit
18 No. 25 filed with the Commission. Can you indicate the
19 location, for the Commission, of the Fairway buoy to
20 which you refer? That is marked by 41J Black Point.
21 That is what is referred to as Fairway buoy?

22 A. Sea buoy or the Fairway buoy.

23 COMMISSIONER SMITH: How many miles is
24 that from Partridge Island?

25 THE WITNESS: A mile-and-a-half, approxi-
26 mately.

27 Q. What is your reason for wishing to
28 meet the vessels outside Fairway buoy, Mr. Quinn?

29 A. It is the practice to meet the
30 vessels outside the Fairway buoy in order - you are



1 coming from deep water into shallow water and in order
2 to give the ship sea room we like to be outside the buoy
3 and proceed from where we board to the buoy and that
4 gives you line and you swing around the buoy to go to
5 your bell buoy. The majority would be a little outside
6 the buoy. We do have to go out further depending on the
7 water.

8 Q. Your Lordship, some of this will
9 become clearer as we proceed. I just wanted to clarify
10 that point now because it wasn't covered in our brief in
11 view of the fact this book had been filed. Mr. Quinn,
12 you have a copy of this brief filed by the Saint John
13 pilots?

14 A. I have.

15 Q. Looking at the first page, the
16 introductory matter, how many pilots are there in the
17 Saint John pilotage district?

18 A. There are nine pilots here presently.

19 Q. Is it correct when the brief says,
20 this brief has not been filed by any duly constituted
21 association, but simply by all the pilots in the district
22 acting through their Pilotage Committee?

23 A. That is correct.

24 Q. Dealing with the description of the
25 port for the district, the physical description, the
26 paragraph beginning at the bottom of page 2, is the
27 information in that paragraph correct?

28 A. It is; to my knowledge, it is.

29 Q. I am referring to the first page
30 of the brief proper, Your Lordship.



1 THE CHAIRMAN: Physical description of
2 district.

3 Q. Physical description of the
4 district. On the first page of the brief itself, Mr.
5 Quinn, we give there the channel width of 600 feet. How
6 is that computed? Is that taken from the chart?

7 A. It is taken from the chart.

8 Q. The brief refers to a 25-foot
9 controlling depth. Where is that information obtained
10 from?

11 A. That is the latest sounding we had
12 from the Department, the people who dredge the channel.

13 Q. The Department of Public Works?

14 A. The Department of Public Works.

15 Q. In Saint John Harbour the dredging
16 is looked after by the Department of Public Works, not
17 the National Harbour Board?

18 A. That is where we get our soundings
19 from. I presume they are responsible.

20 Q. What are the latest soundings you
21 have received from the Department of Public Works?

22 A. The latest soundings note spots
23 in the main channel of 25 feet. That had been the
24 dredged channel at 28 feet, but the latest soundings
25 show there are spots there of 25 feet.

26 Q. That is chart datum?

27 A. That is chart datum.

28 Q. On page 2, you continue in the
29 first paragraph of the page to give the physical descrip-
30 tion of the harbour. Is that information correct?



1 A. To my knowledge, it is.

2 Q. Of course, that information is
3 shown on Exhibit No. 25, the Saint John Harbour chart,
4 which is already before the Commission?

5 A. It is.

6 Q. It states in the brief that the
7 Courtenay Bay channel has a controlling depth of 16 feet
8 and there is a footnote, No. 3, referring to a letter
9 from the Department of Public Works to the supervisor
10 of pilots. Have you seen that letter?

11 A. I have.

12 Q. What did it say about the control-
13 ling depth of the Courtenay Bay channel?

14 A. I think from memory the letter
15 stated there was a depth of at least 16 feet it would
16 consider safe working from chart datum.

17 Q. That letter, of course, is in the
18 office of the supervisor of pilots and not in the pilots?

19 A. It is in Captain MacKinnon's.

20 Q. The second paragraph on page 2
21 deals with the river; is that information accurate?

22 A. Yes, as far as I understand, it is.

23 Q. Referring to the statement in there
24 that the Reversing Falls is only safely navigable for
25 about 20 minutes at each tide the Atlantic Coast Tide
26 and Current Tables for 1963, which I understand are
27 already exhibits before the Commission ---?

28 THE SECRETARY: Exhibit 16.

29 Q. I will ask you, then, the Atlantic
30 Coast Tide Tables which are Exhibit 16, page 46 states



1 that the slack water on the average, the duration of
2 slack water when navigation is usually practicable is
3 one hour, ten minutes. It may therefore be taken as
4 lasting for half-an-hour before and after the time as
5 found by the following differences, so the tide book
6 says the Reversing Falls is navigable for an hour and
7 ten minutes at slack and your brief says it is only
8 navigable for 20 minutes.

9 A. I don't see - in the Reversing
10 Falls there is no appreciable slack. There is tide
11 running at all times. You are following the slack, the
12 change of tide coming down - the harbour water meeting -
13 it is moving all the time. You wouldn't have a slack
14 period for five minutes there. There is no such thing
15 as a slack period in the Falls.

16 Q. The tide is going in one direction
17 and changes and goes in the other direction?

18 A. I would say it changes in less
19 than a couple of minutes.

20 Q. Using the term "slack water"
21 applied to the period during which navigation is possible,
22 how long is it navigable? Your brief says 20 minutes.
23 The tide tables say an hour.

24 A. With the experience we have had in
25 the Falls we find that the ideal time to hit it is as
26 near slack as possible. The perfect time to hit it is
27 just on this change when the river and the harbour
28 water are level, and that period doesn't last even 20
29 minutes.

2 30 Q. So 20 minutes is the maximum figure



1 for the time available to navigate the Falls?

2 A. When we are considering the safest
3 time to go there.

4 COMMISSIONER SMITH: The size of the ship
5 would have some bearing on it, too, I presume?

6 Q. That is correct, is it not, Mr.
7 Quinn?

8 A. I would say yes. From a pilot's
9 point of view most of the ships we take up there are
10 commercial ships. There are odd American yachts coming,
11 but anything we take up there they are a fair size.

12 Q. Mr. Quinn, you might explain for
13 the benefit of the Commission, there is a dock right in
14 the Falls, is there not?

15 A. It is just below the Falls.

16 Q. There is one?

17 A. The pulp mills.

18 Q. The Irving Pulp and Paper Mills;
19 there is a dock?

20 MR. JACQUES: Would you locate it on
21 Exhibit 25, please?

22 Q. I am showing you Exhibit 25, Mr.
23 Quinn. The pulp mill dock is not marked there. Would
24 you mark it with this pencil, please?

25 A. Yes.

26 Q. You have marked a line in pen on
27 the eastern side of Union Point in the Reversing Falls.
28 That is a dock at which ships lie?

29 A. That is a dock at which ships lie.

30 Q. You are sometimes called upon to



1 take vessels in there?

2 A. We are.

3 Q. As a matter of fact, is it not
4 true that sometimes you are called upon to take vessels
5 in there that have no power of their own?

6 A. We have been, yes.

7 Q. You have to rely exclusively on
8 tugs?

9 A. Yes, sir. The Falls are above.

10 Q. There are Falls opposite Union
11 Point, being that dock?

12 A. Yes. Your Falls are actually
13 above the dock. We are below the dock, swing in and go
14 away from the dock, you are below the dock.

15 Q. You are below the pitch of the
16 Falls, but there are Falls underneath the approaches
17 shown so it is a difficult place to navigate there where
18 there is a pitch at low tide and high?

19 A. There is more of a whirlpool. It
20 isn't Falls. When we speak of the Falls it is above the
21 dock.

22 Q. I don't think the Commission would
23 want a lecture on how the Reversing Falls work. It is
24 strictly tides. They are not Falls at all. You also
25 have to take, sometimes, vessels to a place called Indian
26 Point, which is marked on Exhibit 25. Is that right?

27 A. Yes, we have in the past. We have
28 taken ships there.

29 Q. The traffic there isn't heavy but
30 there are some vessels going there?



1 A. That is right.

2 Q. Mr. Quinn, I am showing you
3 Exhibit A to the brief that was filed with our brief,
4 and on there there are certain marks. There are seaward
5 limits of the district and the inward limits of the
6 district. Are those shown accurately on that exhibit?

7 A. Yes, they are.

8 Q. The seaward limits of your district
9 there are approximately three miles at the shortest point
10 away from Black Point buoy or the Fairway buoy; is that
11 correct?

12 A. Would you mind phrasing that again -
13 the shortest ---?

14 Q. The shortest distance between
15 Fairway buoy and the seaward limit is approximately
16 three miles?

17 A. I would say approximately three
18 miles.

19 Q. That illustrates, Your Lordship,
20 the inaccuracy of the statement in the Bay of Fundy
21 Pilot where they say that the pilot vessel normally
22 meets ships inside or to the north of the Fairway buoy
23 whereas, in fact, the seaward limits of the district are
24 somewhat beyond that. We will have further statements
25 in that regard. Pilot Quinn, you usually meet vessels
26 first at the Black Point buoy?

27 A. South and southwest; mostly sou'-
28 west.

29 Q. Sou'west. Does it happen very
30 frequently that you have to go beyond the limits of your



1 district to board vessels?

2 A. With our supertankers coming in
3 here we have to go beyond the limits of the present
4 district, yes.

5 Q. By supertankers you mean the large
6 tankers of over 8,000 tons net?

7 A. Yes, sir.

8 Q. Why do you have to go beyond the
9 limits of the district?

10 A. Due to the weight of these ships,
11 five or six miles away from the sea buoy they start to
12 cut down in order to give them sea room with their draught.
13 They are 34, 35 feet in water. We have to get out
14 beyond that buoy. Sometimes you are trying to board her
15 and you get in a position and she keeps moving and if
16 you waited too long she would be getting in shallow
17 water with her draught. We have to get out in deep
18 water.

19 Q. Does that happen in other ships
20 besides tankers, too?

21 A. It happens in other ships more or
22 less due to weather. We have heavy southerly winds. We
23 have to get out by the buoy.

24 Q. Mr. Quinn, were the limits to
25 the Saint John pilotage district changed some short time
26 ago?

27 A. They were; I think it was about
28 five or six years ago. I am not sure on that.

29 Q. But they were changed two years
30 ago?



1 A. Yes, they were.

2 Q. Were the pilots consulted when
3 that change was made?

4 A. To my knowledge, my answer to that,
5 I don't remember being consulted myself.

dpw

6 MR. McKELVEY: Your Lordship, I might
7 just interject at this point. I am filing a further
8 schedule to our brief later today in which one of the
9 submissions will be that the pilotage districts should
10 be extended outward. That is the reason for the question.

11 Q. Now, Mr. Quinn, the bottom of page
12 2 of the brief deals with tides, gives the maximum depth
13 or maximum height above chart datum, low water. Where
14 is that information taken from?

15 A. That is taken from our tide tables.

16 Q. But it is also shown in the upper
17 righthand of Exhibit 25; is that right?

18 A. Yes.

19 Q. And the same material is shown on
20 there; is that right?

21 A. That is right.

22 MR. McKELVEY: Chart No. 4319, Your
23 Lordship, verifies that information.

24 I just might mention, Your Lordship, that
25 the tidal information is shown on the Atlantic Coast
26 Tide and Current Tables, which is Exhibit 16, commencing
27 at page 8.

28 Q. Is the information there dealing
29 with tides to your information accurate, Mr. Quinn?

30 A. I would consider accurate the



1 information given there.

2 Q. Now, in the brief, on page 3, we
3 deal with currents, and there is a quotation from a
4 departmental Bay of Funday current study. In your
5 opinion is this information, which is quoted on page 3,
6 accurate and correct?

7 A. I would say it is as accurate as
8 it could be.

9 Q. Near the bottom of page 3 we
10 state that there is a difference, the current in
11 Courtenay Bay has a different effect, it changes at
12 high and low tides. Is that correct?

13 A. I would say that is correct.

14 Q. And, similarly, outside Partridge
15 Island?

16 A. And, similarly, outside Partridge
17 Island.

18 Q. And at the bottom of page 3 and
19 the top of page 4 we deal with maximum outgoing current
20 in the harbour. We say at the bottom of page 3 that the
21 maximum outgoing current is about 3 knots. Is that
22 accurate?

23 A. I would consider it accurate. We
24 always consider that accurate. That is normal tides.

25 Q. At the top of page 4 we refer to
26 a flood current at about 2 knots. Now, can you tell the
27 Commission what level this is?

28 A. That is a normal river level; that
29 is the level of the river.

30 Q. Is it above or below the surface?



1 A. That tide, if I remember, is
2 about 20 feet under the surface.

3 Q. Is it not a fact that in the main
4 channel the current hardly ever flows inward?

5 A. On the surface it hardly - you
6 don't notice an inward flow.

7 Q. But it is flowing in underneath?

8 A. It is flowing in strong underneath.

9 Q. Does the Saint John River have a
10 significant effect on the currents in Saint John Harbour?

11 A. I would say it is the main cause
12 of the current in Saint John Harbour, the out-flowing
13 water.

14 Q. Can you tell the Commission how
15 large a body of water the Saint John River is?

16 A. Well, our Saint John River is
17 about 450 miles long, goes up into the State of Maine.
18 But the Kennebecasis flows into the river.

19 Q. Above the Reversing Falls the
20 river widens to about five or six miles, does it not?

21 A. There is a widening above Grand
22 Bay. I don't know the width of it there, but it does
23 widen out there.

24 Q. There is a wide point about five
25 or six miles wide; above that the river is about five
26 or six miles wide?

27 A. I would say that, but you are
28 getting out of my district; that is not included in our
29 district. I am not responsible for that information.

30 Q. We will deal with it later. The



1 only significant point is that Saint John is not only a
2 tidal harbour, it has probably the largest rise and fall
3 of tide in the world, and it is affected by the tremen-
4 dous run-off of the Saint John River. There is a vast
5 amount of water in this river system?

6 A. That is right.

7 Q. You might elaborate on the state-
8 ment on page 4 of the brief, that "When the river level
9 is high the maximum outgoing current is higher; conversely
10 the current is slower when the river is abnormally low."

11 Could you explain to the Commission what
12 is meant by that?

13 A. Well, in the Spring of the year,
14 when the ice and snow is melting in the Saint John River,
15 in the basin of the Saint John River, it produces a
16 flooding condition up there, and the water rises in the
17 river and it comes to such a height that the water is
18 flowing out continuously in the Saint John Harbour. But
19 your Bay of Fundy tides are not high enough to overcome
20 the river, so the result is that the tides are going out
21 all the time. In the summer there is less water coming
22 down and hence there is less water in the harbour.

23 Q. You are describing the conditions
24 of the freshet season, very high, and when there is no
25 flood and current at all?

26 A. That is the difference from an
27 extreme to a low.

28 Q. Does that not also apply in the
29 non-freshet season when the river may vary five or six
30 feet?



1 A. Whatever the height of the river
2 is, that is the extent it applies. It depends on the
3 height of the river.

4 Q. So the level of the water in the
5 river has something to do with it; even a relatively
6 small change will affect the current in the harbour?

7 A. Yes. The height of your current
8 is varying from day to day.

9 Q. The height of the tide is estimated
10 in the tide tables and the timing of the tide tables,
11 but how can you judge the height of water in the river
12 from day to day, you acting as a pilot?

13 A. Well, if we are contemplating a
14 job to go up through the Falls, we can go to Indiantown,
15 and there is a tidal gauge there. We can glance at that,
16 and normally we know what the height of the tide is on
17 that gauge.

18 Q. You have said that the height of
19 the river has something to do with currents in the
20 harbour. Is it correct that there is no way that you
21 can tell what it is going to be other than personal
22 knowledge and experience?

23 A. It is a matter of being on the job
24 consistently there and being around and you can see how
25 the tides in the river are acting, you know what height
26 the tide is. If it rains, weather conditions, you know
27 what to expect 24 hours after a rainstorm there, and it
28 takes about 24 hours to reach here. By constantly
29 watching conditions in the harbour each day, it becomes
30 second nature.



1 Q. You can get an idea of the time
2 and the height of the tides by the tide tables, but this
3 other factor of the river effect is a matter of local
4 knowledge. Is that correct?

5 A. I would say that is correct.

6 Q. And do the pilots have this
7 experience and local knowledge?

8 A. They have.

9 Q. What effect, Mr. Quinn, does the
10 wind have on the tide? For example, a wind from the
11 southerly quadrant.

12 A. Well, a wind from the easterly,
13 blowing hard easterly with a flood tide will delay the
14 water going off the bay and force that water into the
15 harbour, depending on the strength of the wind, and it
16 does affect the height of the tide here in Saint John
17 Harbour.

18 Q. And I suppose, conversely, a nor'-
19 west wind would cut it down?

20 A. Yes, but not to the extent that
21 the easterly wind will force the water into the harbour.

22 Q. These current conditions in the
23 harbour, I presume in what we call the main harbour
24 opposite your pilot station, your current is in and out,
25 the direction of the current?

26 A. It is mostly in and out, yes.

27 Q. What about the Courtenay Bay
28 channel? I am thinking now of the lower part of the
29 Courtenay Bay channel opposite the breakwater, the
30 Courtenay Bay channel out to where it joins the main



1 channel. How does the set of the outgoing current run
2 there?

3 A. It is going across that Courtenay
4 Bay channel in roughly a southeast direction, so it is
5 directly across that channel.

6 MR. McKELVEY: You can visualize, Your
7 Lordship and gentlemen, the current coming down river
8 and emptying out into the bay; you have a cross current
9 in the Courtenay Bay channel.

10 COMMISSIONER RENWICK: That current
11 crosses the waters coming out of Courtenay Bay?

12 MR. McKELVEY: Yes.

13 Q. And the set of the outgoing current
14 at that point is slightly to the southeast, is it not?

15 A. Yes, approximately southeast.

16 Q. Now, on page 4, Mr. Quinn, we have
17 a section there dealing with weather, and we refer to
18 the winds and the difficulties caused by the winds.
19 Is that correct?

20 A. Yes, I would say it is correct.

21 Q. We didn't mention anything about
22 fog. What is the situation here regarding fog?

23 A. This is the home of fog.

24 MR. McKELVEY: I may interject, Your
25 Lordship, that we are so used to fog around here that
26 we forgot to put it in our brief.

27 Q. Tell the Commission something
28 about fog conditions in Saint John Harbour.

29 A. Well, in the summer months there
30 is a prevalency for fog here. We had fog in one month



1 of June for 27 days, the horn never stopped blowing, and
2 it is a rare summer here that we don't have - I would
3 say over 50% of the time there is fog in the summer.

4 Q. As a matter of fact, Saint John is
5 rather famous for it, isn't it? So everybody tells us.
6 The fog has an effect on weather that is not mentioned
7 on page 4 of our brief.

8 A. That is right.

9 Q. Now, Mr. Quinn, the next section
10 of our brief deals with the fact that Saint John is a
11 winter port, and there we refer to Schedule "A". Would
12 you tell the Commission, please, from where the informa-
13 tion came on which Schedule "A" was based?

14 A. Schedule "A", covering the years
15 1960 and 1961, I got that from our superintendent. He
16 had made these figures up, and he took from the records
17 of the ships coming into the port of Saint John, whether
18 cargo ships or tankers; that is the only distinction he
19 made there.

20 Q. So Schedule "A" shows the total
21 number of ships using the port, and that is information
22 supplied by the supervisor of pilots?

23 A. That is right.

24 Q. And you assume that the information
25 the supervisor gave you was taken from the pilotage
26 records of the district?

27 A. Yes. I am quite sure that informa-
28 tion is correct on that schedule here.

29 MR. McKELVEY: I may interject here and
30 say that the computation shows that 54.74% of the traffic



1 in this port comes during the month of December, January,
2 February and March. It is a matter of arithmetic. As a
3 matter of fact, Mr. Quinn didn't do it; I did it myself.

4 Q. Now, there is reference there on
5 page 5 to the evening-out of the traffic situation due
6 to the construction, by Irving Refining Limited, of bulk
7 petroleum facilities in Courtenay Bay. Will you give the
8 Commission some information on that?

9 A. With this new refinery it has
10 helped us in that the product is coming in, we have
11 these large tankers coming in and they have smaller
12 tankers taking this product out. Up until a year ago
13 we did very well with this, but this company is now
14 doing their own piloting of small ships, and we have
15 lost approximately \$2,000 on these small ships.

16 Q. Now, perhaps you didn't understand
17 my question, Mr. Quinn. When was the Irving Refining
18 Limited refinery built here, roughly?

19 A. Roughly two-and-a-half, three years
20 ago.

21 Q. And as a result of that refinery
22 did they build a wharf in Courtenay Bay?

23 A. Yes, as a result of that, they
24 built a refinery wharf there, and they also built a
25 crib wharf.

26 Q. As a result of that, were more of
27 the tankers coming into this port than there were in the
28 past?

29 A. Quite definitely. That was all new
30 business.



1 Q. Do these tankers come in steadily
2 throughout the year or are they concentrated in the
3 winter months?

4 A. No, they are spread pretty evenly
5 over the year.

6 Q. These figures for 1960 and 1961
7 show the effect, I mean it is after giving effect to the
8 fact that you had tankers coming in here during the
9 summer months that you did not have before. Is that
10 correct?

11 A. Partially. We always had tankers
12 coming in, small tankers coming in in the summer months
13 prior to the refinery. But the refinery has boosted
14 the number of tankers coming into Courtenay Bay.

pw 15 Q. The effect of the winter port,
16 on the Saint John port as a winter port, has been some-
17 what altered because of these tankers?

18 A. Yes, it has. It has altered summer
19 business.

20 MR. McKELVEY: Your Lordship, I might
21 interject here that you can see from Schedule "A" under
22 the column "Tankers" for the year 1961 and 1962 that
23 there is a pretty steady flow of these tankers in and out
24 of port even during the summer months. As Pilot Quinn
25 has pointed out, that was not the case prior to the
26 construction of the Irving Refinery Limited facilities.
27 In that case you did not have the same number of tankers
28 coming in during the summer months so that to that degree
29 Saint John is less of a winter port than it was before.

30 THE CHAIRMAN: Yes.



1 MR. McKELVEY: I may say that these
2 tankers do create additional problems which we will
3 deal with later.

4 Q. Now, Mr. Quinn, at page 5 you
5 have set out some peculiar navigational problems, and
6 you refer to what you call tidal berths. I am showing
7 you Exhibit B to our submission, and it shows a number
8 of berths in the harbour marked in red, and it bears the
9 note "Tidal berths marked red." Are those berths shown
10 on that exhibit the berths which you refer to as tidal
11 berths?

12 A. Yes, with one exception. We did
13 not have the red on the berth up at the pulp mill.

14 Q. The pulp mill is a particular
15 situation due to the Reversing Falls, but these are the
16 berths in the harbour that you call tidal berths?

17 A. I would say yes.

18 Q. What do you mean by tidal berths?
19 What is the significance of this term?

20 A. Well, these berths referred to,
21 when the tide is running, it is generally crossing the
22 entrance to these berths and does affect docking problems.

23 You must wait until approximately slack water or very
24 slack which is approximately two hours normally before
25 high water and the tide will slack and start running in.

26 The inward tide is not as strong, and the inward tide
27 hasn't the effect on the ship that the outward tide has.
28 We limit these berths as much as possible to two hours
29 before to two hours after high water.

30 Q. Would it be correct to say except



1 in special circumstances the navigation in and out of
2 tidal berths is restricted to two hours before and two
3 hours after high water?

4 A. As much as we can we do that.

5 COMMISSIONER SMITH: Depending on the
6 size of the ship, I suppose?

7 THE WITNESS: That is what I mean. As
8 much as we can, depending on the size of ship and
9 conditions.

10 Q. It also depends on the draught of
11 the ship?

12 A. The draught of the ship has a
13 great deal to do with it, too.

14 Q. So that you have in this port a
15 situation that a large bulk of your traffic must be
16 handled in two four-hour periods a day?

17 A. That is correct.

18 COMMISSIONER SMITH: Do you not move at
19 low slack?

20 THE WITNESS: We have no low slack in the
21 harbour. That is a peculiarity of the harbour here. We
22 have a slack period that starts about two hours before
23 high water, but the inward run is not as strong as the
24 falling period on the ebb tide. Two hours after high
25 water the water starts running out.

26 Q. Mr. Quinn, the outgoing current
27 of this harbour starts a short time after high water,
28 does it not?

29 A. The outgoing current in the harbour?

30 Q. Yes.



1 A. Not in the main harbour. The tide
2 is flowing in the main harbour still going up through
3 the Falls for approximately two hours after high water.

4 Q. At two hours after high water
5 what sort of current do you get in the main harbour?

6 A. Two hours after high water?

7 Q. Yes.

8 A. Your tide then is gradually
9 starting to run out.

10 Q. You start getting outgoing currents?

11 A. Approximately two hours. You can
12 vary two hours, two-and-a-quarter hours, but we expect -
13 we look forward and we figure two hours you have to
14 watch for ebb tide.

15 Q. An outgoing current which begins
16 about two hours after high water continues to go out and
17 becomes faster as the tide drops; is that right?

18 A. That is right.

19 Q. How long does that last in the
20 outward direction?

21 A. That outward flow in the harbour
22 would be about six - it runs out until the following two
23 hours before high water.

24 Q. From two hours after high water
25 until two hours before the next high water you have a
26 continual outgoing current?

27 A. Approximately. That is as near
28 as you can figure.

29 Q. But the time between these two
30 points, that is two hours before high and two hours after



1 you get a slight ingoing current?

2 A. I would say yes.

3 Q. But it is so slight that it is
4 still safe to navigate vessels?

5 A. It is the most practical time to
6 do your jobs.

7 Q. So, then, you have a period of
8 four hours of what you might call slack water - that is
9 not strictly slack because there is the inward flow -
10 but you refer to this four-hour period when you have
11 relatively little inward flow as slack water; is that
12 right?

13 A. If you term it that. I refer to
14 it as the safest time to do the jobs on those docks you
15 are discussing, the tidal berths.

16 MR. McKELVEY: Your Lordship, the Commis-
17 sion asked a question on this point. That is what I was
18 trying to clear up. There is no such thing as low slack
19 or high slack in the harbour. You have two of them.
20 One, two hours before high and another two hours after,
21 approximately; and it is the period in between them when
22 the tide is moving up but without very much velocity
23 that it is safe to pilot loaded vessels into these tidal
24 berths, and for really safe purposes it is restricted to
25 those periods.

26 Mr. Quinn did say that depending on condi-
27 tions and depending on size of draught they can do it
28 outside those periods. I felt perhaps you were not
29 quite getting the point there. It is a little difficult
30 to understand.



1 Q. Now, Mr. Quinn, all these comments
2 that you have been giving us about the currents and so
3 forth, they apply only to the main harbour, do they not?

4 A. I would say yes. The point we
5 brought up just now, I would say we were discussing the
6 main harbour, yes.

7 Q. What about Courtenay Bay? What
8 is the situation there?

9 A. Courtenay Bay is a different
10 problem. We are more or less limited to draught in
11 Courtenay Bay, and you are limited to the slack period
12 going across from the main channel into the Courtenay
13 Bay channel.

14 Q. That is a point south of the
15 channel where you said there was a cross-current?

16 A. That is right.

17 Q. In that period the same conditions
18 of slack to which you refer apply as the four-hour period
19 for a normal vessel?

20 A. The same conditions apply I would say;
21 about two hours before high water and two hours after
22 high water would be your slack period for going across
23 Courtenay Bay channel.

24 Q. You are referring now to the lower
25 part of the channel south of the Courtenay Bay break-
26 water?

27 A. Yes.

28 Q. Above the breakwater and in Courte-
29 nay Bay itself when does the tide change - the current,
30 rather?



1 A. The current in that basin, it is
2 approximately on the low water and the high water the
3 same as you find outside the Island. That is for the
4 tide running in and out of Courtenay Bay.

5 Q. Navigation in Courtenay Bay is
6 controlled by the navigational conditions south of the
7 breakwater?

8 A. By the conditions and by the depth
9 of that channel, safe depth of the channel.

10 Q. What about the situation of the
11 so-called supertankers; that is the tankers of over 8,000
12 tons net, going into Courtenay Bay? What is the period
13 when you can navigate with them?

14 A. With them the depth is the control-
15 ling factor, the draught of the ship - they are drawing
16 35 feet, so we try to get to the end of the breakwater
17 approximately an hour before high water, depending on
18 the height of the tide. Today we have a ship going in
19 there, and the pilot will probably hit the end of the
20 breakwater half-an-hour before high water.

21 Q. And that is because of the depth
22 of the vessel?

23 A. The depth of the vessel and of
24 your channel.

25 Q. What is the period during which
26 you can navigate supertankers in and out of Courtenay
27 Bay?

28 A. Going in Courtenay Bay when they
29 are loaded it would be an hour before high water to high
30 water. One hour after high water we do not want to



1 touch them - going in on the falling tide.

2 Q. Now, the main harbour and the
3 tidal berths, the safe navigation period except under
4 special circumstances is limited to two hours before
5 high and two hours after; is that right?

6 A. During that period, that is
7 correct.

8 Q. In Courtenay Bay for vessels, let
9 us call them the ordinary size, the same thing applies?

10 A. Approximately the same thing
11 applies.

12 Q. But the larger tankers, the so-
13 called supertankers, are restricted to a period of one
14 hour before high water in Courtenay Bay?

15 A. One hour before high water until
16 high water. On the outward, the supertankers on the
17 outward, we will start them approximately two hours or
18 we will move them two hours before high water, providing
19 they are not loaded. They are generally going out in
20 ballast.

21 Q. These tankers come in loaded and
22 go out in ballast, so therefore your outward time of
23 navigation may be slightly longer because of the less
24 draught?

25 A. That is correct.

26 Q. Perhaps this would be a good time
27 while we are dealing with the particular navigation
28 problem, when the river is a very high level in freshet
29 time, it can reach 15 to 20 feet above normal summer
30 level?



1 A. Yes, it has gone that far.

2 Q. And that creates terrific outgoing
3 currents in the harbour?

4 A. That is correct.

5 Q. In fact, the tide never ebbs, never
6 floods?

7 A. That is correct.

8 Q. That, of course, aggravates the
9 current situation that you told us about?

10 A. That is right.

11 Q. Roughly how long does this freshet
12 period last?

13 A. That is a question that varies
14 from year to year. Some years the run-off can be very
15 rapid, but usually you figure a month, at least, of
16 freshet conditions. It starts building up to freshet
17 and works to a peak, and then it takes time for that
18 peak to run out. I do not think we would have freshet
19 of less than a month, and it can be prolonged by heavy
20 rain during the break-up period. I think we have had a
21 freshet extend a couple of months here.

22 Q. The freshet period in the Spring
23 is roughly about a month to two months; is that right?

24 A. I would say yes.

25 Q. Is it not also true you sometimes
26 get freshets in the Fall of the year which are shorter,
27 but you get them in the Fall and early winter?

28 A. Yes, there are occasions we do
29 get a Fall freshet.

30 Q. So then you have a two-month



1 period, a period of one to two months in the Spring
2 when you have the extreme condition, and then again
3 some time in the Fall?

4 A. In the Fall, occasionally.

5 Q. You have already told us the
6 outgoing current causes a cross-current in the lower
7 region of the Courtenay Bay channel.

8 A. That is right.

9 Q. How does the freshet condition,
10 when that would be aggravated, affect navigation of these
11 large tankers in Courtenay Bay?

12 A. During freshet we just can't take
13 them in. They can't go across the channel at all.

14 Q. What is the reason for that?

15 A. Too much tide setting down.

16 Q. What about when you are coming
17 out, when the vessel is going outward and you have to
18 make your turn to port to go down channel?

19 A. With a vessel coming out under
20 these conditions you have to be driving her full ahead,
21 and invariably the vessel is very sluggish on the port
22 helm.

23 I often feel it is due to the fact that
24 your draught - the stern of your ship is deeper than
25 your bow and the tide sweeping across the channel seems
26 to force the stern down and you have the rudder hard to
27 port and sometimes you drive double ring ahead to fetch
28 her around.

29 Q. That would be because you have a
30 flow of current from the starboard and it interferes



1 with your ability to turn to port?

2 A. It interferes with the ability of
3 the ship to swing.

4 Q. Ability of the stern of the ship
5 to swing to starboard.

6 MR. McKELVEY: Perhaps, Your Lordship,
7 this may be difficult for you to follow.

8 THE CHAIRMAN: That is all right.

9 Q. You might describe, and we are
10 dealing now, pilot Quinn, with the conditions of
11 bringing supertankers into the Courtenay Bay during
12 the freshet season when you have a very heavy tidal
13 current running even at high tide out of the river and
14 setting in a southeasterly direction across Courtenay
15 Bay channel. Can you illustrate, with the help of this
16 pencil - illustrate to the Commission just what those
17 particular problems are?

18 A. This is a dredged channel, limited
19 depth of 16 feet chart datum. You have this southern
20 section of the channel. They can't deviate out of
21 the channel due to their draught.

22 COMMISSIONER RENWICK: You indicate the
23 breakwater there?

24 THE WITNESS: That starts there. This
25 is the channel we are talking about before you get to
26 the breakwater. The approach from the main channel to
27 the end of your breakwater.. This tide is sweeping
28 across. These ships can't use too much power on them
29 because they require a terrific distance to take the
30 way off. You can't drive them in full. Your tugs can't



1 control them, they are so heavy. The ship takes charge.

2 South of this channel it is all shallow
3 water and you only can go in there at a slack period.
4 You are crawling in with them. You can't drive them.
5 You have to have pretty near slack water.

6 Q. In freshet conditions when you
7 do not have any slackcurrent - high water?

8 A. They don't come in in freshet
9 conditions.

10 Q. And likewise coming out?

11 A. Coming out if there is any down
12 tide, that is automatically setting your ship down
13 towards the shoal. As you leave the end of the break-
14 water the ship is generally trimmed by the stern and
15 that means that tide has more effect. It shoves your
16 stern down. When you want the stern to come up, when you
17 go to port-as you are coming out, you are going to go to
18 port. You are driving this ship with the rudder hard to
19 port to make her swing before you get to Island.

20 Q. And the current coming out
21 prevents the stern from swinging to starboard?

22 A. I would say that prevents your
23 stern from going the way you want it to go. The deepest
24 end of the ship and the tide on the side of the ship
25 will have the most effect. Q. Have there been cases when
26 ships going out of Courtenay Bay have found they could
27 not and they have had to go out on the eastern side of
28 Partridge Island?

29 A. We have had ships that it has
30 happened on two occasions that they are coming out of



1 dry dock or Courtenay Bay and they couldn't make the tide
2 to turn her on account of this freshet condition with
3 the tide running across, and at that time the breakwater
4 was not close in. They had to go right straight out
5 through what we used to term the west channel. There is
6 not a west channel today. That has been filled in.

dpw 7 Q. So if anybody tried to go there
8 they wouldn't get very far?

9 A. You must make that turn. There is
10 no alternative to go out by the Island.

11 Q. Now, pilot Quinn, we comment in
12 the middle of page 6 that because of these navigational
13 problems which you have described in some detail that
14 the pilots must have detailed and thorough knowledge of
15 the conditions. Is that, in your opinion, correct?

16 A. I would say it is.

17 Q. You must keep track of daily
18 variations in tide, wind and river level?

19 A. I would say it is essential. You
20 must be in contact with your jobs practically all the
21 time.

22 Q. The next point dealt with is the
23 location of the pilotage station. You have a pilotage
24 station there and you go from that station in the pilot
25 boat to meet the vessels; is that correct?

26 A. That is correct.

27 MR. McKELVEY: I might observe, Your
28 Lordship, that the location of the pilotage station is
29 shown on both exhibits at Reeds Point. It is a new name.

30 Q. While we are dealing with the



1 pilotage station you might describe to some extent what
2 is there. You have headquarters for your pilots, your-
3 selves; right?

4 A. We have a pilotage office of our
5 own. It consists of a small room with a radio telephone,
6 a regular telephone for the shore and we have a board
7 there to keep a list of ships and we have our own records
8 of ships coming in and going out. We have a waiting
9 room just off of that. This is on one side of the hall
10 and across the hall there is our superintendent's office.

11 MR. JACQUES: Where is it situated, sir?

12 THE WITNESS: It is situated at the end
13 of Pugsley Wharf sea.

14 Q. It is located in the second floor
15 of the National Harbour Board building which forms part
16 of the Pugsley pier; is that right?

17 A. That is right.

18 Q. The offices you described with a
19 radio and a telephone and the dispatching board, those
20 are offices for the pilots themselves, not the super-
21 visor of pilots; right?

22 A. The intention, when they were
23 built, was for that. The superintendent, all he does
24 is step from his office over to ours.

25 Q. I don't mean he has not the right.

26 A. I don't know if he has the right
27 to do that if that is what you are getting at.

28 Q. It is primarily an office of the
29 pilots?

30 A. It is primarily an office of the



1 pilots. That is what it was intended for.

2 Q. The supervisor's office and his
3 secretary and his files and so forth are located across
4 the hall?

5 A. They are across the hall clear
6 of us altogether. They have an alley between us.

7 Q. Do you have a dispatching board
8 in the pilots' office, a board on which you show ships
9 that are coming and going?

10 A. Yes, we have.

11 Q. Your ordinary telephone, is that
12 a number separate from the superintendent of pilots or
13 is that the same?

14 A. No, it is a separate number. We
15 always term it as the pilots' office number.

16 Q. So there are two offices; one is
17 the pilots' office and the other one is the supervisor
18 of pilots and they are separate numbers and listed
19 separately; is that correct?

20 A. That is quite correct.

21 Q. Is the dispatching of pilots done
22 through the pilotage station?

23 A. Through the pilots' office, yes,
24 through the pilotage station or office.

25 Q. I think that is sufficient at the
26 moment for the description of the station. On page 7,
27 Mr. Quinn, you show the dimensions and important informa-
28 tion about the pilot boat. Is that information correct?

29 A. That is correct.

30 Q. Is that boat satisfactory for use



1 in Saint John Harbour?

2 A. Yes, the pilots are quite happy
3 with her. They are happy the way she is now. That is
4 the construction of the boat we are discussing, the size?
5 We are not discussing everything aboard the boat; we
6 are discussing is she a satisfactory pilot boat?

7 Q. The type of vessel, her construc-
8 tion.

9 A. I think we are happy on that, yes.

10 Q. In the past has the Department
11 suggested use of a pilot boat in Saint John that wasn't
12 satisfactory?

13 A. They have approached us and asked
14 us to accept, on two occasions, boats that we didn't
15 feel were safe or suitable for our job, but we have
16 ironed those things out and we are happy with the boat
17 we have now.

18 MR. McKELVEY: Might I interject here,
19 Your Lordship, that we feel we would like the Commission
20 to record in its report, and we have so requested, that
21 the pilot boat at Saint John Harbour is satisfactory,
22 because as Mr. Quinn has said there have been difficul-
23 ties in the past and the Department has suggested boats
24 that haven't been satisfactory. We are not complaining.
25 It was all ironed out very satisfactorily and everybody
26 is happy. It would be a great help if the Commission
27 could record this, so when a new boat is considered they
28 would follow the plans of this one which someone in the
29 past didn't do. They wanted to follow plans of some
30 other boat rather than the one that had been used here



1 for many years and wasn't satisfactory. I may be giving
2 evidence here, but I don't think it is improper at this
3 point.

4 Q. Now, Mr. Quinn, the next section
5 of our brief deals with the question of dues. I might
6 say, Your Lordship, that the method in which the dues
7 being computed is all in the general bylaws which you
8 have. I don't propose to deal with that, and also it is
9 shown in the bylaws that the dues for inward and outward
10 pilotage are dependent on draught rather than tonnage.
11 The pilotage dues inward and outward, which are a major
12 item, \$4 per foot of draught.

13 Now, Mr. Quinn, what is the view of the
14 Saint John pilots regarding whether draught should be
15 continued to be used as a means of computing dues?

16 A. Well, for the majority of our
17 ships using a pilot, this is, at the present time -
18 we got stuck on this before - the size and type of ship
19 coming in here now, the majority of them, I think we
20 are happy with the dues as they are.

21 Q. Perhaps you didn't understand my
22 question. I am talking about the method of using draught
23 rather than tonnage.

24 A. Well, the idea of draught with
25 the current and tides in the harbour, we consider you
26 would get a better - the draught of a ship is more the
27 factor when you are handling in tide than the tonnage,
28 so that is why we originally started using draught for
29 payment of dues. As far as I know. I heard the older
30 fellows say that.



1 Q. Using draught, you feel using
2 draught as a means of computing the dues compensates
3 you in direct relationship to the difficulties encountered?

4 A. I would say yes. That is in the
5 harbour, yes.

6 Q. I suppose you wouldn't know how
7 long they have been using draught as a means of computing
8 dues?

9 A. I would say they have been using
10 them for 50 years or so. I had an old bylaw book and it
11 was on draught. I don't know what year that was.

12 Q. It is a matter of record in the
13 bylaws, which the Commission, I believe, can take
14 judicial notice of. If proof is necessary perhaps
15 Commission counsel could obtain it or I could produce it,
16 that the Saint John pilotage district was first esta-
17 blished by the Canadian Government in previous service
18 which was a free enterprise arrangement taken over by
19 the Government in about 1920 and the dues have been
20 computed on the basis of draught ever since. What they
21 were before that...

22 A. They were on draught, too, as far
23 as we know.

24 Q. They always were. Also, I might
25 observe here it does illustrate those same bylaws, which
26 I feel the Commission can probably take judicial notice
27 of, illustrate there have been very minor increases in
28 dues in the last 20 years.

29 Now, Mr. Quinn, one other question: have
30 any of the shipping interests ever complained about the



1 use of draught as a means of computing dues?

2 A. Not to my knowledge they haven't.

3 Q. The next section of the brief
4 deals with the submission regarding the dues payable by
2 5 supertankers. What do you call the supertankers, to
6 begin with?

7 A. Well, the supertankers - we tried
8 to get some kind of way to define them. I would say
9 anything over 8,000 net tons we would start considering
10 they are getting large size tankers. To us they are
11 supertankers.

12 Q. The material, I believe, on page 8,
13 the first two paragraphs of that section, I think the
14 facts necessary to support that have already been dealt
15 with by the witness, the hazards, the difficulties of
16 navigating the supertankers into Courtenay Bay. Mr.
17 Quinn, the top of page 9 we refer to Schedule "B", the
18 comparison of the dues paid by three selected super-
19 tankers to those paid by simple freighters. Would you
20 turn to Schedule "B", please? What does this show, Mr.
21 Quinn?

22 First of all, you had better tell the
23 Commission, explain the items, where you got them.

24 A. Well, the first three are super-
25 tankers, the Hydroussa, the George A. Davidson and the
26 Petro Sea. We show the gross net tonnage of those ships
27 and the length overall to give us an idea, the LOA is
28 length overall of the ship.

29 Q. Where did you get the gross net
30 tonnage and the length?



1 A. This is from Lloyds.

2 Q. You got that yourself out of
3 Lloyds' Register of Ships?

4 A. That is correct.

5 Q. What about draught, inward and
6 outward, and the total pilotage dues; where did you get
7 that information?

8 A. We have a record kept of all
9 ships coming into port. We keep a record of their
10 inward draught and outward draught, and that corresponds
11 with the card that we turn in to our superintendent.
12 The bill that he charges is charged from a card that the
13 captain of the boat signs. That is the actual draught
14 of the ship that they are charged with.

15 Q. This record book you keep; who
16 makes the entries in this book?

17 A. Each pilot as he finishes a job
18 he fills his card in and he transposes or he marks down
19 the name of the ship from his card on our book, and the
20 draught of the ship and the date the job is performed.

21 Q. Did you obtain this information
22 yourself out of that original book?

23 A. I obtained this information myself
24 with the exception of one ship, the freighter on the
25 lower list, the Asia. I have to admit I made a mistake
26 there. I have got her draught in 21 feet and I had her
27 draught out 30 feet. There is a mistake there. It
28 should be 28.3 feet.

29 COMMISSIONER SMITH: Instead of 30 feet?

30 THE WITNESS: Instead of 30 feet it should



1 be 28.3. The rest of the information is factual.

2 Q. Which would make a difference of
3 something less than \$8?

4 A. It would make a difference of \$8
5 in that \$204.

6 Q. Change \$204 to \$196?

7 A. Yes.

8 Q. Apart from that, all these are
9 actual cases?

10 A. They are factual. I could substan-
11 tiate them.

12 Q. From this original book?

13 A. We could get that right from the
14 Department records, if necessary.

15 Q. Where is that book now?

16 A. That book is kept down in our
17 office, and it is there so if a man has a job we want
18 to keep a record of the job.

19 Q. Why didn't you bring the book
20 with you today?

21 A. It would be kind of inconvenient.
22 If there is any job going on and that book is in evidence
23 it would mean - we are afraid of losing some records,
24 that is all. We might lose out on keeping it up to date.

25 MR. JACQUES: Would you mean the Commission
26 isn't worthy, isn't capable of safekeeping documents?

27 THE WITNESS: My meaning was that our
28 records - we would be losing out some jobs that should
29 be put into it.

30 Q. Somebody is using it to enter what



1 somebody else is doing while you are here?

2 A. Pardon?

3 Q. Somebody else is working while you
4 are here?

5 A. He has the book to make entries.

6 MR. McKELVEY: I might say, Your Lordship,
7 at this point, I would submit we have proven the details
8 of this schedule, with the exception of the last item
9 on the right, which is simply a matter of arithmetic.
10 I would submit we have proven it. I would ask the Commis-
11 sion if they would rule to that effect. The original
12 book could be brought in here, but as the witness says
13 it is in use.

14 Q. These are, Mr. Quinn, actual
15 example cases?

16 A. Yes.

17 Q. And the vessels don't always have
18 the same draught when they come in as is shown on here,
19 of course?

20 A. Not every time. This is an actual
21 job. These are actual draughts for that date.

22 Q. They are samples?

23 A. These are samples.

24 THE CHAIRMAN: When we come around in May,
25 when we go and visit the office, then we could look at
26 the book ourselves.

27 MR. JACQUES: I think it would be nice
28 if you would allow access to the book to the Commission's
29 experts, Commission counsel or the Commission itself.

30 MR. McKELVEY: As a matter of fact, Your



1 Lordship, I took it that wouldn't be necessary, but
2 certainly we will make the book available. We will
3 bring it here if you so wish, or anybody else can
4 inspect it.

5 Q. Now, Mr. Quinn, this Schedule "B";
6 what does that show? What is the purpose? What does
7 this illustrate now? You have supertankers, three
8 samples at the top, and freighters on the bottom. What
9 is the purpose of this? What does it show?

10 A. It shows that a ship, a supertanker,
11 you have a difference in tonnage and she is paying only
12 a handful of cents more than a vessel, the Manchester
13 Mariner or the Asia. They are easier to handle. As far
14 as handling the supertankers, it shows there is no higher
15 dues charged to the supertankers. It is not fair for
16 the amount of work and worry involved.

/dpw 17 Q. So that the Manchester Mariner,
18 for example, gross tonnage 7,800, pays \$196 dues, and
19 the George A. Davidson, gross of almost 25,000, over
20 three times the tonnage, pays only \$52 more in pilotage
21 dues; is that correct?

22 A. That is right.

23 Q. How does the difficulty in piloting
24 the supertankers compare with the difficulty in piloting
25 the freighter?

26 A. Well, once you are committed with
27 a supertanker you are committed and you have no way of
28 turning around. You have either to go into Courtenay
29 Bay. -- the only thing would be to take the ship
30 directly into the harbour.



1 Q. The supertanker is more difficult
2 to handle than the ordinary freighter?

3 A. Quite definitely. It is like
4 handling a rowboat and handling a yacht.

5 COMMISSIONER SMITH: Is the bridge fore
6 or aft on the supertanker?

7 THE WITNESS: Some are aft, and the
8 majority of them have them amidships, so far. There is
9 very little compensation difference there.

10 Q. These supertankers, do they all
11 go into Courtenay Bay?

12 A. They all go into Courtenay Bay.
13 They are carrying crude oil, these supertankers, and so
14 far they have all gone into Courtenay Bay.

15 Q. So with the particular problems of
16 navigating supertankers, they all go into Courtenay Bay?

17 A. Yes.

18 COMMISSIONER RENWICK:: I have a note that
19 it was not possible to put supertankers into Courtenay
20 Bay in the freshet season. I see by the chart they are
21 going in every month.

22 MR. McKELVEY: May I ask the witness a
23 few questions to get the answer to that?

24 THE CHAIRMAN: Yes.

25 Q. What do you do with the super-
26 tankers in the Spring freshet season?

27 A. They have been lightening them.
28 We have had them come in and they lighten them. They
29 take the cargo in in a smaller tanker. There were times
30 in the freshet season they had to send one of them to



1 Grand Manan, they couldn't discharge her, they couldn't
2 lighten her. We have had three or four occasions when
3 they couldn't bring it in.

4 Q. I might add to that that in
5 Schedule "A", the column Tankers, Mr. Quinn, those are
6 not all supertankers?

7 A. No, those are not all supertankers.
8 Those are all the tankers going into Courtenay Bay. We
9 could show a tanker going in in the freshet season, but
10 they are not all supertankers.

11 THE CHAIRMAN: In Schedule "B" I see you
12 quote draughts, but we don't have any dates. Does that
13 mean that it is always an inward draught of 33.6 feet
14 coming in, and coming out always at 21.6 feet?

15 MR. MCKELVEY: No, sir. I asked the
16 witness that. Those are certain dates.

17 THE CHAIRMAN: Perhaps we should have the
18 dates.

19 Q. Do you have the dates, Mr. Quinn?

20 A. I have them here. The Hydroussa
21 was inward on April 15th of 1962. Now, the way it is in
22 our book, as you bring a ship in you have the inward
23 date and right across you have the outward date, so it
24 wouldn't be difficult to get that. That was April 15th
25 of 1962.

26 The George A. Davidson was September 22nd
27 of 1962. The Petro Sea was November 24th of 1960. The
28 Manchester Mariner was January 28th, 1959. The Beaver
29 Cove was December 24th, 1959.

30 Now, those are inward dates; the others



1 are easy to get. The Asia, at 21.0 feet inward and 30.0
2 feet outward, was December 30th of 1947.

3 Q. These are samples picked at random
4 from your record book?

5 A. These are samples. These same
6 ships will vary every year.

7 MR. McKELVEY: You never have the same
8 draught, sir.

9 Q. Now, you submit on page 9 of your
10 brief "that the scale of dues should be amended by
11 adding a surcharge of one cent per ton for every net ton
12 in excess of 8,000 net tons." What is the reason or the
13 basis for this submission?

14 A. Well, the basis for that is we were
15 comparing the difference in size of ships and super-
16 tankers and your freighters or liners, and the liners
17 and the small ships are paying practically the same as
18 your supertankers. It doesn't seem fair. You have a
19 harder job, it is more dangerous, the supertanker is a
20 larger ship, and we thought with the service provided
21 that they could easily stand that at over 8,000 net tons.

22 Q. And it helps compensate you for
23 the extra problems involved?

24 A. Yes, the extra problems involved.
25 After all, we have to maintain the pilotage service.

26 COMMISSIONER SMITH: According to my
27 figures, on that large tanker there is an increase of
28 29%.

29 THE WITNESS: Well, in the case of the
30 Hydroussa, she paid \$220 in pilotage dues. At the one



1 cent per net ton over 8,000 net tons it would cost \$269.07,
2 and that would give you \$49.07 extra.

3 COMMISSIONER SMITH: I was figuring it on
4 the Petro Sea.

5 THE WITNESS: \$236 - well, she has a
6 larger tonnage, yes. That percentage wouldn't break
7 the same.

8 COMMISSIONER SMITH: As a matter of fact,
9 I think on the Hydroussa and the Petro Sea it is 29%,
10 according to my arithmetic, but not the same on the
11 George A. Davidson.

12 MR. McKELVEY: And these, of course, are
13 only on these samples; it would vary every time the
14 vessel came in. But Your Lordship will see the difference
15 in the size of these vessels, and you will also have a
16 length problem; and as we say in the brief, when the
17 scale of dues for Saint John Harbour was first made up
18 in 1920, when it was \$3 and not \$4 ---

19 COMMISSIONER SMITH: The draught at the
20 time was the main problem, but now the draught and the
21 size of the ship are the two problems?

22 MR. McKELVEY: Yes. But this doesn't
23 apply with other vessels, the draught is still adequate
24 profit, but the tankers are longer and bigger but not
25 with the commensurate increase in draught. There is a
26 greater tonnage but no significant increase in draught.

27 COMMISSIONER SMITH: If Your Lordship
28 pleases, I may get a little clearer in my mind the
29 problem of the application of the dues.

30 As I understand the witness to say, the



1 proper and the better way of an impost in this harbour
2 was the draught. Now, you are coming to another applica-
3 tion of a net tonnage. There seems to be a bit of a
4 contradiction there. I know it only applies on the
5 giant tankers.

6 MR. McKELVEY: Well, Mr. Smith, what we
7 are asking for is what we call a surcharge. The basic
8 \$4 per foot of a draught remains for the tankers, but in
9 compensation for the inordinately large size of these
10 vessels, length, tonnage, there should be an additional
11 feature applicable on these ships only to compensate the
12 pilots for the extra navigational problems involving
13 specifically only these ships. It doesn't apply to
14 other vessels. So we are not abandoning the draught
15 as a method of computing dues, but this one particular
16 case where the draught pilotage doesn't compensate the
17 pilot for the extra responsibility he assumes. Does that
18 answer your question?

19 COMMISSIONER SMITH: Well, it answers it,
20 except you get away from the original statement that the bes
21 type of impost in the harbour was on the draught or the
22 tonnage.

23 MR. McKELVEY: This particular specific
24 type of vessel is the only exception to that rule that
25 we know.

26 THE CHAIRMAN: But if I can see a trend,
27 it is for larger vessels all the way round, in all kinds
28 of cargoes, coal, and so on. So this pattern will be
29 repeated maybe in other ships.

30 MR. McKELVEY: Well, I think that is about



1 the only comment I could make on that, Your Lordship.
2 It is not a problem in this district yet. You still
3 run into the condition that current is the main thing
4 you are worrying about. The current factor is the most
5 important factor in the responsibility assumed by a
6 pilot, and everyone interested in this field feels it
7 should remain that way, but there is one exception that
8 I have just dealt with.

9 Q. Now, Mr. Quinn, on page 9 we deal
10 with the method of remunerating pilots, the manner in
11 which it is handled here, the deduction of disbursements
12 approved by the pilots, and the balance is split among
13 the pilots in service. Is that information correct?

14 A. That is correct, sir.

15 Q. And are the pilots happy with this
16 arrangement?

17 A. Yes, they are satisfied with that
18 arrangement.

19 Q. Now, the disbursements; we may
20 deal for a moment with disbursements. It says: "...any
21 disbursements approved by the pilots are deducted from
22 the fund..." Would you give the Commission, please,
23 some example of what is meant by that, the type of
24 disbursements that you would deduct from the pilotage
25 fund in general?

26 A. The disbursements from that fund
27 are mostly if we send a delegate away to Montreal to a
28 convention, we take that out of the fund to send the
29 delegate away. There are very little disbursements
30 out of that fund.



1 Q. So is it right that it would be -
2 well, a small example would be if somebody was in
3 hospital and you wanted to send him flowers?

4 A. Well, we generally take a collec-
5 tion from the pilots and we maintain a separate fund.
6 There are no disbursements - the superintendent, I think,
7 would be able to give us an idea of disbursements.

8 Q. But the disbursements we refer to
9 here are disbursements that all the pilots agree should
10 be deducted?

11 A. Yes. There are our Guild dues,
12 and, as I say, when we send a delegate away. I can't
13 recall any other money coming out of that fund at the
14 present time.

15 Q. Of course, you do deduct pensions
16 out of this fund, too?

17 A. Oh, yes. The pension has first
18 call on the fund.

19 Q. So all the money collected from
20 pilotage dues goes into one pilotage fund, the pensions
21 are taken out of it?

22 A. That is right.

23 Q. Any disbursements on which the
24 pilots agree are taken out of it and the balance is
25 divided equally among the pilots; is that right?

26 A. Yes. According to the time worked -
27 we never have any problem here. But according to the
28 bylaws, it is according to the time he has worked. If a
29 man is off pay, then he loses that part of it.

30 Q. Is it correct to put it this way:



1 that your pilotage fund is divided equally among all
2 pilots who work the full year?

3 A. Yes, that is right.

4 Q. And if one pilot is off duty for
5 two or three months or some lengthy period, his share
6 is proportionately reduced?

7 A. I would like to put it: as long as
8 the pilot is on the payroll he gets an equal share.

9 Q. But if he takes six months off to
10 go to Florida, he has a deduction because of that?

11 A. Yes. It is only when he works.

12 Q. What happens if a pilot is sick?

13 A. Well, the pilot is carried here.

14 We try and look after our own pilots, and we will carry
15 them on full pay. What I was thinking of as to disburse-
16 ments was if a man was put off, was suspended for a time,
17 then for the time he was suspended - that is what was in
18 my mind - he doesn't get anything for that.

t/dpw 19 Q. If a pilot is sick?

20 A. Normally we keep him on full pay.

21 Q. I would like to digress for a
22 minute from the brief while we are talking about disburse-
23 ments. There has been some question raised, I believe,
24 before the Commission, or there will be, regarding out-
25 of-pocket disbursements made by the pilots in the course
26 of their pilotage duties. I believe that is a situation
27 which prevails to a large extent in Montreal and other
28 places. What is the situation in Saint John regarding
29 pilots making personal out-of-pocket expenses pertaining
30 to their pilotage duties?



1 A. Well, as far as out-of-pocket
2 expenses in Saint John, they are very small here because
3 we are fortunate that we have available to us, if the
4 pilotage boat is busy we have the tugboats - good friends
5 of ours - and we have the linemen. They take us out to
6 the job, and the individual lineman will take us in his
7 car, or if we are really stuck we take our own car.
8 However, in this district we work very well together,
9 and there is very little money that has to go out of your
10 own pocket.

11 Q. Most of your taxi service is done
12 by the boats, the pilots?

13 A. I would say yes, a large amount of
14 it.

15 Q. When you go from the pilot station,
16 when you have to go to a ship yourself, an outward-bound
17 ship, what would be the maximum distance - you would
18 normally travel in a car?

19 A. Yes, you are stuck during the
20 winter busy times. You go to No. 14 Carleton.

21 Q. That is known as Saint John?

22 A. Yes, and I would say approximately
23 five miles. We take a cab over and forget about it.
24 We don't charge anybody for it. It comes out of your
25 own pocket.

26 Q. Would this happen very often?

27 A. In my own particular case it
28 wouldn't happen often enough that I would worry about it.
29 In the wintertime I might get 12 or 14 cabs out of my
30 own pocket, but I don't worry about that.



1 Q. Do the pilots in Saint John regard
2 the out-of-pocket disbursements factor as of any impor-
3 tance?

4 A. I think they disregard it altogether.
5 I do not think it is very important here. We don't
6 worry too much about it.

7 Q. Such disbursements as there are
8 are not deducted from the pilotage fund?

9 A. No.

10 Q. You take taxis ---

11 A. That comes out of your own pocket.

12 Q. The next section of the brief,
13 Mr. Quinn, and Your Lordship and gentlemen, starting at
14 page 10, is a submission regarding an extra pilot in the
15 ports. Now, who is the oldest pilot in service?

16 A. Well, Mr. Miller is our senior
17 pilot here.

18 Q. How old is he?

19 A. Well, I presume he is 67. He has
20 got two extensions. You go on extension after you pass
21 65, so he has had two and I presume he is 67.

22 Q. We might explain that to the
23 Commission. Your pilots retire in Saint John at age 65;
24 is that right?

25 A. You can. The retirement age is
26 65, but then you can request an extension and work until
27 age 70. You have to have an eyesight and medical twice
28 a year after age 65.

29 Q. These extensions - are these exten-
30 sions for a period of a year?



1 A. Your extension is for a period of
2 a year. That is after age 65.

3 Q. The next senior pilot is Mr.
4 Alexander. How old is he?

5 A. Well, Mr. Alexander, I would say -
6 all I can do is say approximately. I would say Mr.
7 Alexander has about two years to go. That would give
8 him around 63. I am sure the superintendent has
9 records of the age of all these pilots.

10 Q. I think if there is any dispute
11 on this point, Mr. Chairman, the superintendent has this.
12 I believe they are recognized factors. You have one
13 pilot that is two years over his retirement ---

14 A. The normal retirement age.

15 Q. And another one two years under?

16 A. Yes.

17 Q. And you have nine pilots at the
18 present time?

19 A. That is right.

20 Q. Is there a man available now who
21 could enter the Saint John pilotage service?

22 A. Yes, we have a Mr. Boutilier. He
23 has passed his examinations for a pilot, and he has kept
24 up a number of trips in and out, transport, since his
25 examination. He is available.

26 Q. He must come on on a temporary
27 basis for a period of one year before he is a full-fledged
28 pilot?

29 A. That is correct.

30 Q. Once a man is qualified as a pilot



1 and has finished his pilotage examinations and has his
2 required qualifications, does it take him a period of
3 familiarization in addition to that to get to know the
4 conditions of Saint John Harbour?

5 A. If I understand your question, if
6 you have your full licence a year, does a man still need
7 more experience?

8 Q. Take Mr. Boutilier, who is now
9 qualified to be made a pilot today. Would he require a
10 period of training and familiarization in order to be
11 fully knowledgeable about the problems of this harbour?

12 A. The problems of handling a ship.
13 I wouldn't want to say about the problems of the harbour,
14 but the problems of handling a ship or piloting, yes, he
15 would. He is under a limited tonnage for six months,
16 and after this period of time he is advanced to a
17 greater tonnage, and at the end of a year he goes up
18 another step in tonnage.

19 Even at the end of that year when you
20 have your permanent licence as a pilot, he has still a
21 lot of experience to gain on these supertankers. We just
22 don't expect a man to stay in after a year's probation
23 and shove him aboard.

24 Q. A pilot who is just finishing a
25 temporary basis might only navigate vessels in the four-
26 hour tidal slack period you described, whereas a more
27 experienced pilot might take a ship outside of that
28 period because he knows he can do it and he knows the
29 particular problems; is that so?

30 A. I would say the longer a pilot is



1 on the job the more - I wouldn't want to say chances he
2 will take, but it is in a way. It is taking chances.
3 He will stretch a point in moving a ship a little later
4 or a little earlier on the tide due to his experience,
5 his length of experience on the job.

6 Q. In regard to your negotiations
7 with the Department for the appointment of a new pilot,
8 have you made any undertakings regarding an increase in
9 dues? By you I mean the Saint John pilots?

10 A. No. We had expressed our willing-
11 ness if we could get this extra pilot - we had expressed
12 a willingness not to talk about an increase in dues for
13 a period of three years.

14 Q. Are you still willing to do that?

15 A. Well, if I am - we had already
16 told our pilots and they had agreed to that. I assume
17 they would stand by that agreement now.

18 Q. I am referring, of course, when I
19 talk about increase in dues, to a general increase.

20 A. Not the one cent a net ton. We
21 do not consider that an increase in dues. That is, as
22 you put it, more or less a surcharge.

23 Q. Special case?

24 A. Special case.

25 Q. Your commitment to the Government
26 or the Department not to make this an occasion to request
27 an increase in dues applied to a general increase in dues
28 not to a particular case of the supertankers?

29 A. That is quite right. That commit-
30 ment was more or less going to the shipping federation.



1 At least that was our idea. They were the ones that we
2 wanted to assure that we were not getting in there and
3 jacking the dues up. That is not the idea at all.

4 Q. Are you willing to make that same
5 commitment if an additional pilot is appointed now?

6 A. Well, as I say, at the time we
7 made that commitment, it was unanimous among the pilots,
8 and I assume they would still stand by that agreement.
9 I assume they would do it.

10 MR. McKELVEY: Your Lordship, this may be
11 an appropriate time to point out, to come to the footnote
12 No. 10, that the dues were \$3 in 1920, and they stayed
13 the same until 1948 when they became \$3.30. In 1957 they
14 went to \$4. There has been an increase of only one-third
15 in a period of 43 years, during which time everything
16 else has increased considerably more than that.

17 THE CHAIRMAN: The draught has changed
18 also on the ships?

19 MR. McKELVEY: That is possible.

20 THE CHAIRMAN: For the overall pattern.

21 MR. McKELVEY: I am not qualified to
22 comment on that. The ships have increased in size, but
23 I am informed the draught has not increased.

24 I would not want the Commission to misunder-
25 stand this comment. We are not complaining about the
26 fact there has not been an increase. A few years ago
27 when a Commission was appointed to do somewhat the same
28 thing this Commission is now doing, we complained rather
29 loudly, and that has since been rectified. They are
30 prepared now to stick with this commitment.



1 THE CHAIRMAN: If there is not a complaint
2 but something submitted to us, we would like to know the
3 facts because sometimes rates were fixed many years ago
4 and are still not good now because various factors have
5 changed.

6 MR. McKELVEY: I would like to have an
7 opportunity to consider that.

8 THE CHAIRMAN: Yes.

9 MR. McKELVEY: It is a new point. I
10 would rather not just ask Pilot Quinn about it.

11 THE CHAIRMAN: No. It is not just because
12 they were a certain amount 40 years ago that automatically
13 they should be doubled or tripled now because everything
14 has changed.

15 MR. McKELVEY: We are not arguing with
16 Your Lordship. We are not arguing that there should be
17 any change at all. We are saying the present scale of
18 dues of \$4 is adequate.

19 THE CHAIRMAN: Yes, but you mentioned
20 they had not changed, so therefore you had intention in
21 mentioning that that they had increased only slightly,
22 or there is the innuendo in that.

23 MR. McKELVEY: To clear up any innuendo,
24 I would like to make it clear I am just pointing out
25 that it is a fact. That is all. In spite of this fact
26 the pilots ---

27 THE CHAIRMAN: What conclusion are we to
28 draw?

29 MR. McKELVEY: No conclusions whatever,
30 Your Lordship. I think that is the clearest way to put



1 it. It is just a statement of fact; no particular
2 conclusion.

3 THE CHAIRMAN: Very well.

4 MR. McKELVEY: Except that everybody has
5 been reasonable.

6 Q. Then, so far, Mr. Quinn, the
7 Minister of Transport has not seen fit to grant your
8 request?

9 A. That is right.

10 Q. Now, Mr. Quinn, if another pilot
11 were appointed in this harbour today, who is going to
12 suffer financially?

13 A. Well, on the basis of the way our
14 funds are distributed now it would be the pilots them-
15 selves. That would be a tenth part. Instead of a ninth
16 share it would be a tenth share.

17 Q. The pie would be cut in ten pieces
18 instead of nine?

19 A. Yes.

20 Q. And the pilots' remuneration would
21 be reduced accordingly?

22 A. That is right, at the present rate
23 of earnings.

24 Q. Would it make any difference to
25 the shipping interests?

26 A. Not that I can see. I can't see
27 where it would make any difference to them because we
28 are not raising the rate. If we are going to work with
29 ten men, that is all right.

30 Q. They will still pay the same dues



1 subject to this surcharge we referred to? The dues will
2 be the same whether there are nine, ten or one hundred
3 pilots?

4 A. That is quite right. We agreed we
5 would work three years without touching dues.

6 Q. Will it make any difference or
7 will it make any increase in costs to the Department of
8 Transport or any other government department?

9 A. No, I can't see how it would. It
10 is just one more name that the bookkeeper has to look
11 after, and that won't cost much. I don't see any cost
12 to the Government.

13 Q. To take a ridiculous case, Mr.
14 Quinn, supposing you wanted ten new pilots, assuming
15 that you had the men available and they were qualified,
16 then who would suffer?

17 A. We couldn't take ten new pilots.
18 This consideration has to be gone into with the Minister
19 and in consultation with the Pilots' Committee.

20 Q. If you decided you wanted ten new
21 pilots ---

22 A. We wouldn't get them, that is all.

23 Q. My point is if you had ten new
24 pilots who would suffer financially?

25 A. The pilots would be agreeable to
26 work for a handful of cents? Is that what you mean?

27 Q. Yes.

28 A. That would be the pilots.

29 Q. It still wouldn't cost the Govern-
30 ment any more if they had ten new pilots?



1 A. No.

2 Q. And it would not cost the shipping
3 interests any more if you had ten?

4 A. No.

5 THE CHAIRMAN: You would not get them
6 because the pilotage authority protects the pilots
7 against themselves.

8 MR. McKELVEY: I do not think Mr. Quinn
9 or the rest of them are that foolish, but it is an
10 illustration of the point which the Minister appears to
11 have ignored in this whole matter, that it is the pilots
12 who are the only people affected.

13 THE CHAIRMAN: Well, the shipping
14 interests also would be affected by a better service.

15 MR. McKELVEY: Yes, any effect on the
16 shipping interests would be an improvement, but the
17 pilots do not want to say that because they would be
18 admitting they are not giving good service.

19 THE CHAIRMAN: They would assure a better
20 job, continuous service.

21 Q. On page 12 of the brief, Mr. Quinn,
22 we refer to Schedule "C". Would you please turn to
23 Schedule "C" and would you tell us what that is, please,
24 and how it was computed?

25 Before doing that I would like Your
26 Lordship to make one correction. "1952 records not
27 complete" should be "1952 to 1954." I am sorry I did
28 not notice that when it was prepared. There is a gap of
29 three years as to which the records are not complete.
30 If you put a dash after 1952 and 1954 that will do it.



1 THE CHAIRMAN: Will you be long with the
2 witness?

3 MR. McKELVEY: Yes.

4 THE CHAIRMAN: So I think we might
5 adjourn to 2 o'clock if you do not mind.

6 MR. McKELVEY: Very good.

7 THE CHAIRMAN: Until 2.30.

8
9 --- Adjourned ~~for~~ lunch at 12.30 p.m. until 2.30 p.m.

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B/dpw 1 --- On resuming at 2.30 p.m.

2 MR. McKELVEY: Your Lordship and gentlemen,
3 before calling Mr. Quinn to retake the stand it has been
4 drawn to my attention that there may be some confusion
5 arising between the use of the term "tide" and the term
6 "current." Tide, of course, refers to the horizontal
7 variation, or the vertical variation, rather, in water
8 into tides, and the current is the flow of the water
9 back and forth on a horizontal plane due partly to tides
10 and due partly to the influence of the river. I might
11 explain that in the local terminology of the pilots
12 sometimes these words are confused and the word "tide"
13 is frequently used referring to current rather than what
14 is strictly tide.

15 In the brief, in this presentation, I
16 have tried to use the proper terms, but I may not have
17 always been successful. The currents of course, are not
18 all tidal currents. They are partly due to the river.

19 THE CHAIRMAN: I noticed this mention of
20 tidal current. I had some difficulty following that.

21 MR. McKELVEY: The tidal current is the
22 current caused exclusively by the tides.

23 THE CHAIRMAN: That I understand.

24 MR. McKELVEY: But a current could be
25 caused by more than that. In the case of Saint John
26 the current would be caused...

27 THE CHAIRMAN: By the river?

28 MR. McKELVEY: Caused by both; tidal
29 current because it is caused partly by the tide and
30 there is another influence because of the river.



1 Sometimes the pilots refer to tide when they mean current.
2 We have tried to keep the two terms correct. In case
3 I haven't succeeded I thought I had better explain.

4 Q. Now, Mr. Quinn, we had reached
5 page 12 of the brief. Did we deal with Schedule "C"?

6 MR. JACQUES: No, we didn't.

7 Q. In the middle of page 12 we refer
8 to Schedule "C". Perhaps we could turn to Schedule "C",
9 Mr. Quinn. Could you tell us how Schedule "C" was
10 computed and what it is, please?

11 A. Schedule "C" is approximately a
12 15-year record of the total assignments per year
13 covering the years from 1946 into 1962. There are two
14 years missing. It also gives the number of pilots for
15 each year and assignments in that year.

16 Q. What was this prepared from?

17 A. This has been prepared from our
18 pilot office record book.

19 Q. The book of which you spoke this
20 morning?

21 A. That is right.

22 Q. Was this done under your super-
23 vision?

24 A. It was.

25 Q. Now, what do you call an assign-
26 ment? You might clarify that term.

27 A. The assignments in this respect -
28 this rests on your busy season. What assignments are
29 are the total number of jobs inward and the total number
30 of jobs outward. There are a number of jobs compass



1 adjusting. There are a number of jobs movage, which at
2 that time we were charging on, and also there were
3 possibly a few odd trial trips. They are each individual
4 jobs that were paid for by the shipping interests during
5 that year.

6 Q. Inward, of course, means bringing
7 a ship in?

8 A. Yes.

9 Q. That would be one assignment?

10 A. That would be counted as one
11 assignment.

12 Q. If that ship while it is in the
13 harbour is moved from one berth to another that would
14 be a movage, would it not?

15 A. That would be another assignment.

16 Q. Another assignment on here?

17 A. On this total.

18 Q. When that same ship sails it is an
19 outward trip?

20 A. That would be another assignment.

21 Q. Do you believe - you were super-
22 vising the way this was computed - do you believe that
23 the information contained in Schedule "C" is substantially
24 correct?

25 A. Substantially correct. In fact,
26 we have bent over backwards, we have neglected to claim
27 for a job, if there was any doubt we felt it was not
28 worthwhile to put extra jobs in. It is substantially
29 correct and we bent over backwards that it wasn't over-
30 rated.



1 Q. The two highest years in this
2 period are 1960 and 1961, are they not?

3 A. 1960 and 1961, yes, sir. They
4 are the two highest.

5 Q. Reading the line for 1960 do I
6 understand correctly that in the year 1960 eight pilots
7 did 1,837 assignments?

8 A. That is correct.

9 Q. Is it true that the number of
10 assignments wouldn't be the same as the number of ships
11 coming in that year? That isn't what you mean?

12 A. No, the assignments are including
13 every pilotage job that is chargeable. That is, if we
14 have a detention that is an assignment in the sense
15 there has been a separate charge on it. We had very few
16 of these, but it still would be an assignment and there
17 is a separate card. These assignments are the cards
18 charged through our department. They are separate jobs.
19 That is what I would consider an assignment.

20 MR. McKELVEY: May I interject here,
21 Your Lordship, while we are dealing with this part of
22 the brief, that the balance of that paragraph at the
23 bottom of page 12 is largely argumentative to support
24 the request for an extra pilot. We say there, for
25 example, "If 13 pilots handled 1,587 assignments in
26 1946 what objection can there be to having 10 pilots in
27 1962 to handle 1,707 assignments?" That is, of course,
28 argument. It is not evidence that I would ask this
29 witness, but you can see the argument there. In past
30 years there have been more pilots to do less jobs and



1 there seems to be no reason, no logical reason, why
2 there should be any objection now to having 10 pilots
3 when there are more assignments to be done, particularly
4 in view of what we have said before, that it doesn't
5 harm anybody except the pilots themselves who have asked
6 for this.

7 Q. Now, on page 13, Mr. Quinn, where
8 we deal with the additional services that the pilots in
9 this port perform which we could call under the general
10 term movement control. In your negotiations with the
11 Department has there been any attention paid by the
12 Department to this phase of your service in this port,
13 so far as you are aware?

14 A. You mean are we credited with this
15 extra-curricular activity?

16 Q. Yes.

17 A. No, there hasn't been any credit
18 given as far as officially, in Ottawa.

19 Q. Could you explain to the Commission
20 what you mean by these extra services you perform in
21 movement control?

22 A. Well, in this port, due to the
23 tidal situation and the four hours we like to do our jobs,
24 the peak of our jobs in - the agents are very familiar
25 with the pilots and we are familiar with them, and they
26 call us and ask us what is the best time to take a ship
27 in or take her out. We will co-ordinate and we know
28 what jobs are being done, and we also advise them as to
29 the suitability or safety of ships being moved in the
30 tide. Sometimes you have a light ship that could be



1 moved a little later than a heavy one. We advise the
2 agent that would be the best way to do it. That is for
3 the safety of the ship in the port, and also as to the
4 ability of the towage to handle the ships, whatever
5 number of tow ships they need.

6 We have to co-ordinate the towboats, the
7 time of moving ships, whether the boatmen or linemen
8 are available at that particular time. We more or less
9 are doing that work. We have done it throughout the
10 years I have been there. We still do it.

11 Q. What happens when a ship's agent
12 wants to know something about the movement of a ship?
13 What do they do? They call you?

14 A. It has been a custom, they call
15 the pilots. They call a pilot and ask just what is
16 doing at that particular time, that he wants to have
17 his ship moved, and we advise him as to what is doing.

18 Q. In advising agents of this type
19 of thing do you have to tell them the time of the day
20 the ship is going to move or the time of the tide?

21 A. We advise the agent as to the
22 suitability situation, tidal situation, time, the most
23 suitable time on that tide. There could be an order
24 come in, the first order of the day, that an agent has
25 an idea that his ship is moving at that time and about
26 ten minutes later another agent calls up and he wants
27 his ship moved at the same time. We advise that second
28 agent we have a ship at that time and say we have a
29 ship at that time. What do you say; we make your ship a
30 little earlier or a little later. We co-ordinate the



1 towage. Suppose both ships need two towboats and one
2 ship is getting out ahead of another. We co-ordinate
3 that to the best of our ability for the safety of the
4 ship and also for the benefit of the agent and the
5 respective shipping companies. In a working period -
6 they go to work at 8 o'clock in the morning and they go
7 to work at 1 o'clock. If a ship is going out, sometimes
8 we might say, "Well, we will wait until the ship comes
9 in, so you will be in the berth for the working period,"
10 or else they lose money if a ship isn't there for the
11 working period.

12 Where a ship is going out - we work with
13 the agents in that respect, to save them money and to
14 facilitate the movement of ships in and out of the port
15 here.

16 Q. If there were four or five ships
17 that had to be moved on one tide you would try to
18 correlate the movement of these ships?

19 A. We do.

20 Q. Perhaps you could give the
21 Commission some examples. You get a call from a
22 shipping agent and you decide between you and the agent
23 when you want the ship to move; what else might you do?
24 Would you call anybody else to make arrangements for
25 that ship; for example, tugboats?

26 A. We co-ordinate the towboats. We
27 advise them. We advise the linemen. The agents
28 generally - there are a few exceptions, but generally
29 we do it anyway whether the agent requests it or not.
30 Most of the agents say, "Will you look after the towboat



1 and you can also check and see the linemen will be there,
2 which we do.

3 Q. Perhaps we might pause here for a
4 minute and explain the terms. You refer to tugboats
5 and you refer to towboats.

6 A. Towboats and tugboats are the
7 same thing.

8 Q. Do you use tugs normally for all
9 shipping movements in Saint John Harbour?

10 A. The greater percentage we do, yes.

11 Q. You refer to a lineman. You and I
12 know what a lineman does. Perhaps you might explain
13 that to the Commission.

14 A. In Saint John Harbour there is a
15 set-up - there are a couple of agents or shipping
16 companies here which have what we call their own line-
17 men, that is men to take the line off the ship when a
18 ship is coming alongside, to put the line on the bollard
19 on the dock. Then we have the boatman who runs the
20 line, the first couple of lines, whatever the ship wants,
21 they run the first lines from the ship to the linemen
22 on the dock. This is the boatman. They run that line
23 to the linemen on the dock. They are the boatmen. We
24 tell these people what is the best time to be there.
25 We don't exactly order them. We can't order them. We
26 advise them. That is about the capacity we try and do.
27 We advise them.

28 Q. In order to clarify this business
29 of these various people who are involved: you have a
30 vessel coming in the harbour, you must, I think you said,



1 in most cases, you have tugboats?

2 A. We have tugboats.

3 Q. Which are operated by the tugboat
4 company. Then the vessel gets close to the wharf so
5 you want a line ashore. Is that where the boatman
6 comes into the picture?

7 A. That is the boatman's job, to run
8 the line.

9 Q. And the line is dropped down on
10 the boat and he takes it into the wharf. You need a
11 boat for that purpose. Then he passes it to the lineman
12 on the dock who puts it on the bollard on the dock.

13 A. That is right.

14 Q. Then you have your linemen on the
15 dock to take it?

16 A. That is right.

17 Q. You say the pilots frequently,
18 or sometimes, or whatever you did say, call the tugboats
19 and the linemen?

20 A. We invariably do it. I would say
21 outside of the C.P.R. - like, they have their own line-
22 men. We don't bother them. In fact, that is the only
23 company in my mind, that the linemen don't bother the
24 pilots as to when they have to be on the job. All other
25 companies check with the pilots. Furness-Witchy have
26 linemen, but still check with the pilots to see how the
27 jobs are going.

28 C.P.R. are the only ones that have their
29 own linemen and their linemen don't call the pilots
30 although their supervisors do check with the pilots to



1 see what movements are in the harbour.

2 Q. Couldn't anybody do this job?
3 Could you have a dispatcher in the office to do this
4 service for the shipping interests?

5 A. Due to the tidal conditions in
6 the port and the way each pilot has his own choice as
7 to what time he would like to dock, I don't see how a
8 dispatcher would be of any benefit here. With a
9 dispatcher he would have to get in touch with the pilot.
10 They would have to be confirmed through the pilot.

11 Q. Why would they have to be confirmed
12 through the pilot? Why couldn't he decide himself?

13 A. In that respect that would only
14 hurt the pilot. If we want to make Saint John into a
15 tidal port, in that respect, we will just dock on slack
16 tide, you will never be able to turn the ships around
17 in our busy winter season. It will hurt the shipping
18 interests in this port. That is the only way for a
19 dispatcher, he says, "I know it is a safe period to dock,
20 we will dock or undock the ship in that period."

21 Q. To answer these inquiries about
22 tides and perform this movement control does it require
23 knowledge of navigating conditions in the harbour that
24 the pilots have?

25 A. Quite definitely.

26 Q. Perhaps you could tell the Commis-
27 sion something, Mr. Quinn, about the way you organize
28 your service in this port. It isn't in our brief. You
29 have nine pilots. Do you divide the group up into
30 groups?



1 A. How the work is covered more or
2 less, how pilotage is covered in these districts by the
3 nine pilots?

4 Q. Do you divide yourselves into
5 watches?

6 A. We have an inward watch and an
7 outward watch with nine pilots. We have five men, say,
8 inward for a week and four men outward for the same week.

9 Q. That means you have five pilots
10 who are designated to bring ships in?

11 A. Handle all inward traffic.

12 Q. Handle all inward traffic?

13 A. Yes.

/dpw 14 Q. And four to handle the outward
15 traffic; is that right?

16 A. Yes.

17 Q. And this is on a weekly basis?

18 A. This is on a weekly basis in the
19 sense the following week the inward watch will be on
20 outward and outward watch will be on inward.

21 Q. Do you have the same pilots on the
22 same watch?

23 A. Yes.

24 Q. For example, there are three or
25 four companions on your watch; you remain on the same
26 watch with him?

27 A. Yes. The only difference is with
28 this odd man we work with now, we work that odd man in
29 the watch for a month and in the next watch he jumps to
30 the next man to even it up.



1 Q. Would it be easier if you had an
2 even number of pilots?

3 A. Yes, it would. It would mean we
4 would have five men in and five men out.

5 Q. If you are on a watch with four
6 other pilots for a week, how do you allocate the jobs
7 among those pilots? Is it strictly a tour-de-roll or
8 strictly on a rotation basis?

9 A. In Saint John - it all boils down
10 to tidal conditions - we found we allocate the first man
11 on the watch and he will take a Monday, the second man
12 is responsible for Tuesday, and so on, during the week.
13 It means if the shipping company should call up and ask
14 about a job a day or two hence, we know the particular
15 pilot responsible for that particular day.

16 Q. You say one of the men on the watch
17 is responsible for the work that day. Supposing that
18 today, Thursday, was your responsibility. Now, what
19 does that mean as far as you are concerned?

20 A. Well, that means in the normal
21 course of events, I know if I get an ordinary request
22 from an agent on Tuesday, and say we have a ship through
23 Tuesday on such-and-such a tide, he says, "Who is that?"
24 and I say so-and-so is on, and so I make a time; and
25 when that job comes in on my day, Thursday, I will see
26 that that job is done at that time.

27 If there are two or three jobs and I have
28 to go to another job, I will ask my following pilot, I
29 will say, "If you don't want to do this job I have
30 already committed myself for, you take another job," and



1 I will stand by the job I have made.

2 Q. You say under those circumstances
3 you would make a commitment on Tuesday that you would
4 handle a certain ship on Thursday if that is your day?

5 A. Yes.

6 Q. And it then becomes your responsi-
7 bility to see that that ship is moved at that time?

8 A. Yes. I will say to my second man,
9 "Which job do you want?" But I will make sure there
10 will be a pilot for that job, either myself or one of
11 my fellow pilots.

12 Q. But you are responsible?

13 A. I feel responsible. I don't know
14 how far you would push it. I would imagine the company
15 would feel I am responsible.

16 Q. You say you have five men and that
17 one man is on on Monday and the next man is on on Tuesday
18 and the next man is on on Wednesday, and so forth. That
19 indicates you have one man on that watch on duty, by
20 what you have said. That indicates that if today is
21 your day on, you are the only inward pilot. Now, what
22 happens there?

23 A. I am not the only inward pilot.
24 I am responsible for that day, and if I need additional
25 pilots, I can make sure we have enough men to cover the
26 jobs for that day.

27 Q. You say you are on duty for 24
28 hours?

29 A. Yes.

30 Q. What period does that cover?



1 A. We go on at 9 o'clock in the
2 morning till 9 o'clock the following morning.

3 Q. If there is only one ship inward,
4 you take it?

5 A. Yes.

6 Q. If you need other pilots on your
7 watch, you call them?

8 A. If there were five ships in the
9 day and they were spread out and I could cover them, I
10 would cover them. But if I can't cover them I would
11 bring in whatever pilots I need to cover the jobs. If
12 there were three jobs at once I would bring in two other
13 pilots. But if these jobs were spread out enough I
14 would endeavour to cover them in that period.

15 Q. What generally happens during the
16 busy season, that is during the winter season, December,
17 January, February, March? What is usually the case?
18 Would most of the pilots on the watch be around or only
19 some of them, or what?

20 A. Mostly during the wintertime they
21 are there. This afternoon, for instance, I think there
22 are about nine jobs lined up at present for this after-
23 noon. The pilots are figuring what time they are
24 required, but there are definitely going to be pilots
25 for these jobs. I see we have a pilot or two here. We
26 have two pilots and myself. We have four pilots here.
27 We know how these times are coming in, and we are going
28 to have men there. That's it.

29 Q. If you were not here, what would
30 you be doing?



1 A. I would be down helping my pilots
2 on the jobs.

3 Q. We have used the illustration of
4 you being on the inward watch. Would the same thing
5 apply to the outward watch?

6 A. The outward watch works differently.
7 The way the outward watch works, we tour de roll here.

8 Q. Strictly tour de roll?

9 A. Yes, turn about. You see, with
10 the ships in the harbour, there is a reason for that.
11 When we have ships in the harbour we have an idea of
12 the time they are in, we can tell pretty well when they
13 are going out. Coming in is not the same. Outward,
14 we are pretty well lined up; the agents work pretty
15 closely with us. There will be the odd time that we
16 only get an hour's notice, but the agents are very good
17 in that respect.

18 MR. McKELVEY: I think, Mr. Chairman,
19 those are all the questions I have for Mr. Quinn on this
20 section, which is rather a lengthy section, dealing with
21 the request for an additional pilot.

22 To summarize that branch of the presenta-
23 tion, the first reason in favour of this is that this
24 is strictly a matter for the pilots, they are the only
25 ones being involved in this, the pie being cut into ten
26 pieces instead of nine. In view of the commitment that
27 there would be no increase in pilotage rates due to that,
28 there is no additional cost to anyone else.

29 Secondly, the Schedule "C", in which it
30 is illustrated that in past years there have been more



1 pilots handling less assignments, and from that we argue
2 that there should be no reason why, no logical reason,
3 against having now ten pilots to do more work or handle
4 more assignments than, for example, 13 pilots handled
5 in 1946.

6 Thirdly is the point that time - it is
7 obvious from the evidence - that a good deal of time
8 must be spent by the pilots in performing this movement
9 control service in the port of Saint John, and that the
10 statistics of time worked do not take this into considera-
11 tion.

12 Q. I might ask one last question on
13 that, Mr. Quinn. Do you keep a record for the Depart-
14 ment of the time which you have spent on doing jobs?
15 Is there not a record kept in your pilotage card of the
16 number of hours on each assignment?

17 A. There is a time denoted on the
18 card as to when you board the ship and when you leave
19 the ship. I understand that - well, that's about it.

20 Q. So that is one of your official
21 returns to the Department?

22 A. Yes.

23 Q. So they know from that how much
24 time you have spent actually on board ships for a given
25 period?

26 A. Yes. I might point out that the
27 Department, through our superintendent, does credit us,
28 they allow us a certain time to go to the job and come
29 back from the job on top of this job we are discussing.
30 That is marked on the card.



1 Q. So that is in the departmental
2 statistics, too, the time getting to and from the job?

3 A. Yes, there is an allowance for
4 that.

5 Q. But has any allowance been made,
6 to your knowledge, for time that you spend in the office
7 performing this service we have referred to as movement
8 control?

9 A. No, there is not, definitely not.

10 Q. Can you give the Commission some
11 idea, roughly, of the percentage of your work done at
12 night? By work I mean actual assignments on jobs.

13 A. Well, I just have to take a stab
14 in the dark. I would almost take a guess and say in
15 our wintertime work especially it might possibly work
16 out to 60% for daytime and 40% nighttime. But that is
17 just a stab in the dark.

18 Q. There are no records from which
19 this could be accurately computed?

20 A. Well, it would mean going through
21 all the cards that the superintendent has. I don't want
22 to give him a job, but it can be done.

23 Q. You estimate that from your
24 experience, I suppose?

25 A. Yes. It is just a shot in the
26 dark.

27 COMMISSIONER SMITH: If Your Lordship
28 pleases, there are a few questions I would like to ask
29 the witness to get some clarification on some points.
30 One is on this last point that has been raised with



1 regard to what is called movement control.

2 First of all, I want to preface what I
3 have to say with this, that I believe that the method
4 that is now employed is the safest and probably the
5 speediest and also the most economical. I know of
6 conditions here that require a different application
7 than elsewhere. But I am wondering whether there isn't
8 some overlapping between the duties of the harbourmaster
9 and the pilots.

10 Now, my understanding of the pilot's
11 duties, as expressed in The Shipping Act, is that he is
12 a specialized, qualified navigational officer, not a
13 member of the crew, who has the conduct of the ship.
14 Now, fundamentally, I take it that is the duty of the
15 pilot, and it seems to me that in some dispatching and
16 in other matters that you have mentioned there may be -
17 and I am asking you this question, I am not making a
18 statement myself - there may be some absorption by the
19 pilots of the harbourmaster's functions. Is that right
20 or not?

21 THE WITNESS: In the dispatch of jobs
22 and also in the correlating of towboats, et cetera, as
23 we have covered, that is true. That is true; that is
24 actually what is being done now and has been done for
25 some time. I am not saying we are taking over his duties;
26 this is actually what is being done now and for some
27 time.

28 COMMISSIONER SMITH: Now, on the question
29 of the proposed surcharge on the supertankers, I would
30 like to find out from you the distance travelled and the



1 time it takes from the time you board the tanker south
2 of Black Point buoy until you get that tanker tied up
3 at the pier at the refinery in Courtenay Bay, the
4 distance and the time taken.

5 THE WITNESS: That is one of the features
6 in these supertankers, that was the size of the ship
7 and the slow movement you can't use the power of these
8 ships, you must move slow on these ships. We make it a
9 point to be out on board these ships at half flood tide
10 to make sure we are under way two hours before high
11 water at the latest in order to get - it would be about
12 four miles, four-and-a-half miles from where the tanker
13 is anchored and at the end of the breakwater, and it
14 takes approximately an hour, and it takes from there in
15 to your dock approximately half-an-hour.

16 All we want on these ships is steering
17 way; we don't want any more way than that.

18 COMMISSIONER SMITH: That is a slow
19 operation?

20 THE WITNESS: Yes. We will arrive at
21 the dock, it will be practically high water at the
22 refinery dock, and most of these ships will take any-
23 where from three-quarters of an hour to an hour to tie
24 up. It is a very slow operation and it takes the time
25 of the pilot. It is a slow process.

26 COMMISSIONER SMITH: Did you state what
27 the average time would be?

28 THE WITNESS: Well, I would say the
29 average time, if you want the time for a pilot leaving
30 the pilot office ---



1 COMMISSIONER SMITH: No, just when he
2 boards the ship until he ties it up at the refinery.

3 THE WITNESS: I would say the average
4 time is close to four hours, that he is actually aboard
5 the ship.

6 COMMISSIONER SMITH: And the distance
7 travelled?

8 THE WITNESS: The distance travelled
9 would be - it is close to six miles.

10 COMMISSIONER SMITH: One other question,
11 My Lord.

12 MR. McKELVEY: I wonder, My Lord, if I
13 may interject here? I don't want to interrupt Mr.
14 Smith's questioning, but I think Mr. Smith said that,
15 relating the times and the four hours - I think it is
16 clear from what the witness said that the entire four
17 hours is not spent navigating. He said they want to
18 get aboard the ship in good time to get the anchor up
19 and under way.

20 COMMISSIONER SMITH: I misunderstood.
21 I thought he was four hours on the bridge.

22 THE WITNESS: I am talking about time
23 spent on the ship.

24 COMMISSIONER SMITH: Not navigating?

25 THE WITNESS: No.

26 MR. McKELVEY: He is on the ship.

T/dpw 27 COMMISSIONER SMITH: I am glad you
28 mentioned that. I certainly took it from what he said
29 that he was four hours actually in conduct of the ship.

30 MR. McKELVEY: He is. He is on board the



1 ship, on duty, but it takes a certain amount of time to
2 get the anchor up and get the vessel ready to move. He
3 is not spending the whole four hours going six miles.

4 COMMISSIONER SMITH: That is all right.

5 MR. McKELVEY: He is on duty on board
6 ship all during that period. I am sorry to have inter-
7 rupted.

8 THE WITNESS: The time the ship actually
9 would be moving with the pilot on the bridge is pretty
10 handy to two hours. From the time you have the anchor
11 up until you bring her off or she has her lines out.

12 COMMISSIONER SMITH: One other question.
13 I did not follow the argument, and I do not question it,
14 but I cannot follow the argument with regard to the
15 additional pilot. I am not saying whether I am for or
16 against it. That is not the point. I am looking now at
17 Schedule "C", 1961, and I find that the number of assign-
18 ments in 1961 was 1,913 with 8 pilots, working nine
19 months, and 9 pilots working three months. That is 8
20 pilots working most of that year in 1961.

21 In 1962 there are 9 pilots working twelve
22 months but only 1,707 assignments; 206 less assignments
23 than in 1961. Therefore, I do not follow the argument
24 that you should have an additional pilot.

25 THE WITNESS: That three months, sir, the
26 last pilot joined our service and he came in October.
27 That gave us nine pilots. He only worked three months
28 of that year.

29 COMMISSIONER SMITH: I understand that.
30 I understand from this that 8 pilots worked nine months



1 and 9 pilots worked three months. That is in 1961,
2 whereas in 1962, 9 pilots worked the full year.

3 THE WITNESS: That is right.

4 COMMISSIONER SMITH: With nine pilots
5 working the full year there were 206 assignments less
6 than in 1961 when there were 8 pilots working nine months
7 and 9 pilots working three months. I may be completely
8 astray on this thing, but I do not follow the argument.

9 MR. McKELVEY: Perhaps this is something
10 which is really a matter of argument. Perhaps Your
11 Lordship would permit me ---

12 COMMISSIONER SMITH: Certainly.

13 MR. McKELVEY: If I might illustrate that
14 argument. You see, you are taking the last two years,
15 1961 and 1962, but if you look back farther, for example,
16 in 1958, where there were ten pilots for the twelve
17 months, and they handled only 1,386 assignments. Go back
18 to 1956, and I am forgetting the years where it is a
19 little bit mixed up, 11 pilots for 1,700 assignments.
20 And then go back in the beginning, you have in 1946 13
21 pilots for 1,587 assignments.

22 The point is, during this period the
23 Department took no objection to having more pilots than
24 there are now performing less assignments. The argument
25 is that there should be no reason why they should now
26 object to having 10 pilots when all during these years,
27 practically all the years with which we are dealing,
28 there were more pilots than there are now and they did
29 less assignments.

30 If you restrict yourself to the last two



1 years, what you say is true, but looking back over the
2 full period, all during this period the Department took
3 no objection to having more pilots although there were
4 less assignments. The argument is that we submit there
5 is no reason why they should now take the stand there
6 should only be nine pilots where they never complained
7 in these previous years when there were many more.

8 If this were to cost the Department of
9 Transport some money, if this were money out of the
10 pocket of the Government or if it were money out of the
11 pocket of the shipping industry, I could see they have
12 a valid argument, but it is not. It is strictly a
13 matter that is obvious, that in a tidal port with such
14 a limited period of navigation there are periods that
15 the pilots are rushed off their feet - like this after-
16 noon, Mr. Quinn said there are nine ships. Of course,
17 this is a bad day because two of them are here, but
18 ordinarily nine ships would be quite a job even for nine
19 pilots, and they want to have that extra leeway to enable
20 the service to be conducted properly.

21 I think, perhaps, where you are not inter-
22 preting it the way we would like to have you interpret
23 Schedule "C" is that you are restricting yourself to the
24 last couple of years, whereas since 1946 there has been
25 almost always more pilots than now doing less work, and
26 there should be no reason why anybody should complain
27 now, particularly since it does not cost anybody any
28 money.

29 If I have not explained it properly, Mr.
30 Smith, I will try again.



1 COMMISSIONER SMITH: I understand your
2 statement.

3
4 - RECALL INVESTIGATION BY JIM H. ANDERSON:

5 Q. Mr. Quinn, in connection with the
6 question about the duties of the harbourmaster that you
7 may be performing some function that otherwise would be
8 performed by the harbourmaster, would the harbourmaster -
9 and I am not speaking of the present incumbent or any
10 particular person - would the harbourmaster necessarily
11 have the knowledge of navigational conditions in the
12 harbour that pilots have?

13 A. I don't think I would care to
14 answer that question. I don't think that is a fair
15 question. Otherwise I am being set up as a judge of the
16 competency of the harbourmaster in harbour matters.

17 Q. Putting the thing another way, I
18 think we can assume that pilots are pilots because they
19 are experts in the navigational problems of a particular
20 harbour. Is the harbourmaster always somebody who is or
21 has been a pilot?

22 A. No.

23 Q. That is the Saint John pilot.

24 A. No, not in my time anyway.

25 Q. Dealing with the last section of
26 the brief, Mr. Quinn, on the pension scheme, we have
27 set out there a brief summary of the pension scheme.
28 I believe there is an error in this that should be
29 corrected, about the middle of that paragraph. What is
30 the correction there?



1 A. That is wrong there.

2 Q. We are dealing with the brief
3 where it reads: "After that date the pilots commenced
4 pension payments of 14% of their gross earnings. 7%
5 is used to liquidate the actuarial deficiency in the
6 old pension fund and the remaining 7% is applied to an
7 annuity for each pilot on an individual basis."

8 I believe there is an error there. Would
9 you care to correct that?

10 A. Yes. That 7% should read "7% of
11 the 14%." We are paying 14% of gross earnings into a
12 pension fund and 7% of this 14% is used to offset the
13 actuarial deficit.

14 Q. So I think at the beginning of
15 that line the sentence which reads: "7% is used," that
16 should be corrected to read 7% and then add after that
17 "of the 14%." "7% of the 14% is used to liquidate the
18 actuarial deficiency in the old pension fund and the
19 remainder is applied to an annuity."

20 Now, Mr. Quinn, in past years has there
21 been a lot of discussion and negotiation between you and
22 the Department regarding the Saint John pilots' pension
23 scheme? That is to say, before 1957.

24 A. Before 1957, that would be between
25 the Pilots' Committee at the time and the Department;
26 there was much discussion.

27 Q. Yes, and is it not true that prior
28 to that time you were not very pleased with your pension
29 set-up?

30 A. The pilots.



1 Q. The pilots were not?

2 A. The pilots were not at the time,
3 no.

4 Q. How do you find this new scheme
5 which was put in force in 1957? Is it satisfactory?

6 A. Outside of there is one complaint,
7 I believe, somebody brought up, and I can't recall who
8 it was, but we are satisfied. And then somebody was
9 saying there is a guaranteed return to a pilot's estate
10 in the event of death of at least 50% of the contribu-
11 tions made by him.

12 Up until now that was very good, but then
13 I hear that possibly some other pilots' districts get a
14 little more return, so again we are happy with it, but in
15 the event that another pilots' district gets more than
16 50%, we would certainly like to have as much as they get
17 back.

18 Q. Could we put it this way ----

19 A. It is eminently satisfactory as
20 at present.

21 Q. But if it can be improved, you
22 would like to see it done?

23 A. Yes. The scheme is satisfactory,
24 but I mean - I don't know.

25 Q. It is considerably better than you
26 had before?

27 A. We are quite happy with the scheme
28 as it is, yes.

29 Q. One other thing, Mr. Quinn, and I
30 should say, Mr. Chairman, this goes back to the movement



1 control business which I described, and which I am sorry
2 I forgot to mention at that time.

3 Have the pilots kept in the pilotage
4 office a log of telephone calls dealing with shipping
5 matters from January 14th to February 11th?

6 A. Yes, they have.

7 Q. You have in your hand a book.
8 What is that book, please?

9 A. This is a return, pilots' log of
10 calls, telephone calls, during that period.

11 Q. This is from January 14th to
12 February 11th?

13 A. That is right.

14 Q. I am showing you a sheet with those
15 dates on it and two headings, one stating daytime and
16 the other one after 5 p.m. and numbers. What is that
17 sheet, please?

18 A. That is a sheet showing the number
19 of calls for each day, and it divides the calls into
20 daytime and after 5 p.m.

21 Q. Does that sheet summarize the
22 number of calls shown in the book?

23 A. It summarizes the number of calls
24 shown in the book, yes. It does not show all the calls
25 here.

26 Q. You say the book does not show all
27 the calls made? What other calls would there be that
28 are not shown in the log which you have produced?

29 A. Well, this was a new scheme we
30 started on the 14th when this Commission was coming



1 around, and I know for a fact some pilots have taken
2 orders on the 'phone and just forgot to put the call or
3 record the call on the book. There are many calls which
4 are not recorded, but these are the recorded calls but
5 there are quite a number of calls that have not been
6 recorded.

7 Q. What does this illustrate?

8 A. The idea of that was to show what
9 we are doing down in the office when we went to the
10 office. What were we doing there; we were answering the
11 'phone, co-ordinating jobs. This is an illustration of
12 that point.

13 Q. Is it an illustration of the
14 services that the pilots perform which we have classified
15 as movement control?

16 A. I would say partially. There is
17 also the doctor's calls - we offer him advice and tell
18 him when he can get aboard the ship.

19 MR. McKELVEY: I would like to offer in
20 evidence, Your Lordship, the log to which Mr. Quinn has
21 referred, and on the inside of the front cover there is
22 the summary of the number of calls.

23
24 --- EXHIBIT NO. 40: Pilots' log referred to.

25
26 Q. You mentioned this morning there
27 are two telephones in the pilot station; one in the
28 pilot office proper and another one in the supervisor's
29 office. Which 'phone were these calls made to?

30 A. These calls were made on the



1 pilots' 'phone.

2 Q. Do they include any calls made to
3 the supervisor of pilots during that period? That is,
4 to his telephone at his office?

5 A. Not to his telephone, no.

6 MR. McKELVEY: Your Lordship and gentlemen,
7 these are all the questions I have for Mr. Quinn. There
8 is another pilot in the courtroom whose evidence may be
9 very brief, on a particular point only. I wonder if it
10 would be possible for me to have five minutes to speak to
11 him, and again it may be that he has to get back on the
12 job, and if we could stand down Pilot Quinn.

13 MR. JACQUES: I have no objection.

14 THE CHAIRMAN: We will adjourn for a few
15 minutes.

16

17 --- Short Recess

18

19 MR. McKELVEY: Mr. Chairman and gentlemen,
20 I would like to stand down Mr. Quinn now and call Mr.
21 Merriam.

22

23 GERALD EUGENE MERRIAM, sworn

24 DIRECT EXAMINATION BY MR. McKELVEY:

25 Q. Would you give your name?

26 A. Gerald Eugene Merriam.

27 Q. And your age?

28 A. 34.

29 Q. Address?

30 A. Pandemac, King's County, New



1 Brunswick.

2 Q. Are you a licensed pilot in the
3 pilotage district of Saint John?

4 A. I am.

5 Q. How long have you held your pilotage
6 licence?

7 A. Temporary licence, March 5th, 1957.

8 Q. Which watch are you on today, the
9 inward or outward?

10 A. The inward watch.

11 Q. Is this your day to be on duty?

12 A. Yes, it is.

13 Q. At the present time there are two
14 large supertankers outside Partridge Island; is that
15 correct?

16 A. That is right.

17 Q. Could you give the Commission some
18 idea of the size of them? How they compare, for example,
19 with the Hydroussa, the George A. Davidson and the Petro
20 Sea, which have been referred to in our brief?

21 A. One of the tankers would be similar
22 to the George A. Davidson, similar in tonnage. The other
23 would be smaller.

24 Q. Were these tankers coming into the
25 port to dock at the Irving Refinery dock at Courtenay
26 Bay?

27 A. That is right.

28 Q. When were you first called about
29 these two tankers?

30 A. We had one tanker, the T.L. Lenzen,



1 anchored outside yesterday waiting. Q. Were you contacted
2 yesterday about one of these?

3 A. We were contacted yesterday about
4 the docking of the T.L. Lenzen, draught 34 feet, 11.

5 MR. JACQUES: Would you spell it?

6 THE WITNESS: T.L. L-e-n-z-e-n.

7 Q. Regarding the T.L. Lenzen, you
8 were contacted yesterday by whom?

9 A. By Mr. Walsh of Kent Lines.

10 Q. Was he the shipping agent of the
11 ship?

12 A. He is the shipping agent.

13 Q. What did you tell him?

14 A. We told him the T.L. Lenzen would
15 dock at 2.45 p.m. today, weather conditions permitting.

16 Q. And what happened? The other one -
17 there are two; the other one just showed up this morning,
18 did it?

19 A. The other one arrived yesterday
20 evening, the Chevron Transporter.

21 Q. Would you tell the Commission what
22 happened today with regard to these two tankers?

23 A. Due to the ground swell in the
24 main channel and the Courtenay Bay channel we decided
25 this morning that it would be dangerous to bring in the
26 T.L. Lenzen.

27 Q. What was her draught?

28 A. 34 feet, 11 inches.

29 Q. Approximately 35 feet?

30 A. 35, yes.



1 Q. What about the other one?

2 A. They didn't have the actual draught
3 of the ship. Ships of that type arriving in the port
4 are between 32 and 33.

5 Q. What happened in reference to her?

6 A. We told them we would dock her,
7 if possible, at the same time.

8 Q. What happened?

9 A. We found that the ground swell was
10 too great to manoeuver into the approach to the main
11 channel.

12 Q. Did you discuss this with a repre-
13 sentative of the shipping company?

14 A. We had a representative of the
15 shipping company, California Shipping Company, which are
16 the owners and operators of these ships, on board the
17 pilot ship.

18 Q. Did you discuss this problem with
19 him?

20 A. We pointed out conditions to him.

21 Q. What was the decision?

22 A. I informed him that it would be
23 dangerous to enter the main channel with that ship.

24 Q. What was your reason for it? Why
25 was it dangerous? How much water would be underneath
26 these vessels if there were no ground swell?

27 A. The limited depth in the Courtenay
28 Bay channel itself plus the tide today when we would be
29 into the channel would give us approximately 38 feet.

30 Q. So you would only have about three



1 feet under?

2 A. We had less today.

3 Q. Your reason was because of the
4 ground swell. You might explain to the Commission, first
5 of all, what you mean by ground swell and what difference
6 would it make?

7 A. It is a swell after the storm has
8 passed where the wind has been blowing for some time.

9 Q. Heavy waves?

10 A. It is a heavy sea. It is increased
11 when it gets into the shore water and approaches to the
12 channel.

13 Q. What would happen to these ships
14 in a ground swell?

15 A. A ship with a tonnage draught of
16 the Lenzen, if she keeled very much she would catch her
17 bilge due to the limited depth of the channel.

18 Q. The man you were speaking to today,
19 the representative of California Shipping, is he a seaman?

20 A. Yes, he is a seaman.

21 Q. Is he a master of tankers or was he?

22 A. Yes, I believe he was.

23 Q. Did he agree with your opinion?

24 A. He did when he saw conditions. The
25 main factor was that the ship in approaching the
26 channel would sheer due to the sea being hard port her;
27 in other words, she would come to port towards the western
28 side of the channel and would probably be impossible even
29 with the rudder hard starboard and full power.

30 COMMISSIONER SMITH: Any wind?



1 THE WITNESS: The wind was sou'west about
2 25 to 30.

3 Q. You can see from the chart, Your
4 Lordship and gentlemen, as we saw this morning, Courtenay
5 Bay channel goes off in an easterly direction and the
6 ground swell coming in from the Bay of Fundy would hit it
7 on the ship's quarter and would cause her to roll. It
8 can be seen quite clearly from the chart. I have no
9 further questions, Your Lordship.

10 The reason for bringing this witness in
11 is that this is a timely illustration which has just
12 happened today of some of the things we have been
13 talking about here this morning.

14 MR. JACQUES: Will I have time to cross-
15 examine him before he goes on the job?

16 MR. McKELVEY: I guess we will have to
17 give you time.

18 MR. JACQUES: He could come back tomorrow
19 when he might be off duty.

20
21 CROSS-EXAMINATION BY MR. JACQUES:

22 Q. You were to have docked two ships
23 today?

24 A. Two ships into the same berth.

25 Q. Into the same berth. How many
26 other ships have come in the harbour today?

27 A. We haven't had any other ships in
28 since early this morning.

29 Q. How many have left?

30 A. One has left - two have left.



1 Q. Two have left. Were they tankers
2 or cargo ships.

3 A. Both tankers

4 Q. They left Courtenay Bay

5 A. Yes.

6 Q. How many mortgages did you have?

7 A. I don't believe we have had any yet
8 unless they are moving some vessels now.

9 Q. So, in fact, you have two jobs
10 today?

11 A. That is since this morning.

12 Q. Since this morning, of course. I
13 don't want you to predict the future. How did you ascer-
14 tain whether the ground swell may prevent you from coming
15 in?

16 A. By previous experience and local
17 knowledge.

18 Q. Did you go out to see?

19 A. Yes, we were out.

20 Q. How did you go out?

21 A. In the pilot vessel.

22 Q. How long does it take to go out in
23 the pilot vessel to ascertain whether you are able to
24 bring in a ship or not?

25 A. We actually proceeded out to the
26 ship and if conditions were favourable we would have
27 boarded the vessel and brought her in.

28 Q. You noticed that as you were going
29 out to the ship to bring her in?

30 A. We expected that before but we



1 wanted a firsthand look at it, look at it at a closer
2 point and determine that we were right in our observa-
3 tions.

4 Q. At what time did you go out today?

5 A. We left the pilot office at one
6 o'clock.

7 Q. One o'clock this morning?

8 A. 1 p.m.

9 Q. 1 p.m. When did the ship enter?

10 A. We had no estimated time of arrival
11 of that ship, possibly due to the fact that the agent
12 had another ship which he planned to berth there before
13 this one.

14 Q. When did you find out that she had
15 arrived and that she needed a pilot? When were you
16 called?

17 A. Approximately 10 a.m. this morning.

18 Q. So you went out about one o'clock
19 to have a look?

20 A. Well, we were in contact with the
21 agent and told him that we might possibly be able to dock
22 the smaller vessel.

23 Q. So you went out, had a look, and
24 decided it wasn't suitable?

25 A. That is true.

26 Q. And you came back?

27 A. Yes, that is true.

28 Q. Yesterday, were you on duty?

29 A. I was on duty with Mr. Bruce
30 Cobham.



1 Q. How many jobs did you have yester-
2 day?

3 A. We had two yesterday and one early
4 this morning.

5 Q. One early this morning. How many
6 jobs altogether were done yesterday, if you recall, to
7 the best of your memory?

2 8 A. Possibly ten; I couldn't say
9 definitely.

10 MR. JACQUES: Thank you.

11 MR. McKELVEY: May Mr. Merriam be given
12 permission to go back to look after the ships?

13 THE CHAIRMAN: That is all right.

14 MR. McKELVEY: Thank you.

15

16 FREDERICK M.J. QUINN, recalled

17 MR. McKELVEY: I have finished my
18 questioning of Pilot Quinn.

19

20 CROSS-EXAMINATION BY MR. JACQUES:

21 Q. You are Mr. Frederick Quinn, are
22 you?

23 A. Yes.

24 Q. You obtained your licence in 1947?

25 A. 1945.

26 Q. 1945. Was that a temporary licence
27 or a permanent one?

28 A. That was a temporary licence.
29 That is when I started in 1945, February 12th.

30 Q. When did you get your permanent



1 licence?

2 A. Permanent licence was issued on
3 the 12th day of February, 1947.

4 Q. 1947, thank you. Would you,
5 without filing it as an exhibit, show it to the Commis-
6 sion so they could see what type of licences are issued?
7 I see that you obtained a mate home trade certificiate
8 in 1942?

9 A. Yes, sir.

10 Q. Now, Mr. Quinn, this is cross-
11 examination in a very, very loose sense of the word.
12 You don't have to be afraid. I should like first to ask
13 you to describe the work that you do on a ship. First,
14 when do you leave the pilot station when you go to a
15 ship, how many hours roughly before you are supposed to
16 board the ship?

17 A. It varies with the ship that is
18 due, and also with weather conditions. If we have a
19 southerly we like to get out early and get down to have
20 sea room. That means we have to beat into the sea and
21 it takes that much longer to get to the ship. Normally,
22 we like to be on the station approximately an hour before
23 the ship is due, normally.

24 Q. What is the shortest time it takes
25 to go from the pilot station out to the sea buoy?

26 A. From the pilot station, from the
27 time you let go at the pilot station, the pilot boat,
28 till you get to the sea buoy, I would say approximately
29 25 minutes in good weather.

30 Q. That is the shortest period?



1 A. Yes.

2 Q. What would be the longest period
3 of time, bad weather?

4 A. Well, I don't know there. Sometimes
5 we only get to the island and have to turn around and
6 have to come back in, not proceed further. That would
7 depend on how bad the weather is.

BL/dpw 8 Q. But would you keep trying, say,
9 for three hours, four hours, five hours, or would you
10 quit after an hour?

11 A. Not trying to get out; you wouldn't
12 try to get out for that length of time. If there were
13 circumstances calling for it to try to get out in the
14 face of very bad weather, we would keep plugging at it
15 until we felt it was not safe to go any further. But I
16 would say in the case of a ship that I wanted to get off-
17 shore about four miles, I could get down in 20 minutes,
18 25 minutes, and to get that four miles you might possibly
19 use an hour to get down. Say roughly an hour-and-a-half.
20 It might be an hour-and-a-half that we should be able to
21 get down to where we want to be.

22 Q. So the shortest period would be
23 about 25 minutes and the longest would be about an hour-
24 and-a-half?

25 A. Yes.

26 Q. How would you get on board the
27 vessel?

28 A. We board the vessel directly from
29 the pilot boat, except in the case of the aircraft
30 carrier, the Bonaventure, due to the turbulence on her



1 side. Normally it would be from the pilot ship.

2 Q. What do you do then?

3 A. I proceed to the bridge, introduce
4 myself to the captain; I would ask him his draught,
5 draught of the vessel. I would ask him if he has pra-
6 tique. If I didn't know the vessel I would get some
7 information as to what her speed was in full, what she
8 would do at half-speed, slow, dead slow. If it is a
9 turbine job, I will ask him how she is acting, whether
10 they are good turbines, fast in change of manoeuvres.
11 I would check the compass, see what course she is on,
12 and give a course and the way I want to proceed, give a
13 course to the buoy. That is the first thing I would tell
14 the captain, give him a course. That is all after my
15 pilot boat is safely clear of the ship. That is the
16 first thing I do. After she is clear I proceed with
17 the other matters.

18 Q. This course you give to reach a
19 sea buoy, do you give the order to the master or directly
20 to the wheelsman?

21 A. I give it directly to the
22 and say steer such-and-such a course, and usually the
23 captain will turn around and say: "Put her on that
24 course," and the wheelsman will let us know when she is
25 on that course.

26 Q. I have, sir, Exhibit 25, which is
27 a chart of Saint John Harbour. Would you indicate
28 by the letter "A" your normal boarding point for ships?

29 A. I would say the majority of ships
30 are boarded about a mile here. It is roughly southwest



1 of the buoy.

2 Q. So you steer your course for the
3 sea buoy and then up the channel and in through the
4 harbour?

5 A. Yes.

6 Q. Do you give the order directly to
7 the wheelsman and to the mate on watch for engine move-
8 ment and wheel movement?

9 A. You are standing in the wheelhouse,
10 you are going to give an order for change of course, and
11 you are giving it directly to the quartermaster or the
12 wheelsman in the presence of the captain or the officer
13 on watch. One or the other is in the wheelhouse; they
14 are generally both there.

15 Q. What about engine orders?

16 A. Engine orders are given mostly to
17 the captain; he is always on the bridge, or if he is
18 below, whatever officer on watch is in charge. But it
19 is generally the captain.

20 Q. To whom do you give the order?

21 A. I give it to the captain if he is
22 there or the officer in charge.

23 Q. And that so on until you reach the
24 place where the ship is going to berth?

25 A. That is right.

26 Q. When you come alongside who does
27 the manoeuvring of the vessel?

28 A. The pilot does.

29 Q. You do?

30



1 A. Yes.

2 Q. Without interference from the
3 master?

4 A. Yes, invariably.

5 Q. Do you order which lines are to
6 be put out and when they are going to be put out?

7 A. Yes, I give that order to the
8 master and he relays it to the chief officer or the
9 officer-at-arms.

10 Q. Do you stand on the bridge until
11 all lines are made fast?

12 A. No, not necessarily. I like to
13 have two lines and a spring on each end of the vessel
14 before I leave the bridge. Sometimes the captain will
15 leave the bridge and I will make sure that she is
16 secure before I leave the bridge.

17 Q. When you move a vessel inside the
18 harbour does the same procedure apply? Do you direct
19 the operation?

20 A. I direct the operation.

21 Q. Do you give all orders to the crew?

22 A. I give orders to the master and he
23 passes them along the line to the officers.

24 Q. And I presume that when you leave
25 harbour the same procedure is followed?

26 A. Yes, it is.

27 Q. In the brief which was submitted
28 by your organization, page 3, the paragraph is quoted
29 concerning currents in the vicinity of Partridge Island.
30 Within your knowledge, would you tell the Commission



1 whether there have been any accidents or casualties
2 due to this current?

3 A. An accident due to the current?

4 Q. Yes.

5 A. I don't know of any specific
6 accident that is entirely due to the current. There must
7 have been some previous cause; a vessel might have lost
8 its engines, possibly, and then started drifting with the
9 current. I can't say in that vicinity of Partridge
10 Island. I believe some time before my time there was a
11 Manchester drifted down and she drifted ashore there,
12 the current took her ashore.

13 Q. I see on page 3, at the bottom of
14 page 3, your organization quotes this: "At about the half-
15 way point in the main channel the maximum outgoing
16 current is about three knots and the maximum flood about
17 two knots..." Who actually measured those speeds?

18 A. That is quoted, if I am not
19 mistaken, in the tide tables, and it was done years ago
20 by the Hydrographic, I think the Hydrographic survey at
21 the time. It is in the tide tables.

22 Q. Have pilots themselves carried out
23 surveys to ascertain the current in the harbour?

24 A. Not to my knowledge, not with any
25 kind of scientific instruments. We might throw a stick
26 overboard to see how fast the tide is running, but not
27 with any scientific instruments, to my knowledge.

28 Q. So actually for that information
29 you rely on official publications and your experience?

30 A. I would say that would be so.



1 Q. You mentioned something about a
2 variation and there was a gauge level at Indiantown.
3 That is a long way off from your pilotage office, isn't
4 it?

5 A. That is correct.

6 Q. Are there arrangements for someone
7 to read that gauge?

8 A. Not to my knowledge. That gauge
9 is just like a gauge you have around the docks. They
10 put these tidal gauges up. It is just a visual thing.
11 There is nobody designated there to read it.

12 Q. How often do you go there to look
13 at the gauge?

14 A. In the pressure time is the time
15 we take an interest in it. I don't go too often over
16 there myself. I don't know, you have a second feeling
17 for the river. If there is any doubt, we would check
18 that. If I am doubtful of the height of the river, I
19 would check it.

20 MR. McKELVEY: Your Lordship, I think
21 there may be another error creeping up here, strictly
22 in terminology; the use of the word "gauge." My under-
23 standing is that this is just a board with levels marked
24 off on it.

25 MR. JACQUES: Well, we call a gauge,
26 broadly speaking, anything that would enable the pilot
27 or anyone to measure the variation in the level.

28 MR. McKELVEY: It doesn't measure varia-
29 tion. It would tell him how high it was at the time he
30 looked at it. It is just a board with the feet marked



1 on it.

2 Q. You also mentioned the difficulties
3 in taking vessels up to Union Point.

4 A. Yes.

5 Q. When was the last time a vessel
6 was taken up there?

7 A. I believe it was - possibly I
8 could be wrong - about a month ago that the last pilot
9 job was up there.

2 10 Q. Is traffic fairly frequent up
11 there?

12 A. It is in one respect. The Irving
13 Oil use that quite often with a barge. She is a ship
14 that has no main engines. They used to use pilots, now
15 they are doing it themselves, and it is just a matter
16 that when they can't get the man they depend on they will
17 call for a pilot.

18 Q. How often does that happen in the
19 year?

20 A. How often are we called on for
21 piloting there?

22 Q. Yes.

23 A. That is hard to answer. In the
24 past we have been called quite frequently, but now that
25 Irving Oil have assumed their own piloting of these
26 small vessels, if I am not mistaken, it may be two or
27 three months ago we might have had a dozen jobs. We had
28 eight jobs up there in that one month.

29 Q. When did Irving Oil take over the
30 piloting up there?



1 A. Well, they do it off and on. They
2 had a man who was sick, he took sick, and they called on
3 a pilot. Any time with their coastal work they will
4 call on a pilot if it is a windy day.

5 Q. You said that Irving Oil had made
6 arrangements to have qualified men to take their ships
7 up to Union Point. I would like to know approximately
8 when?

9 A. When they first started going up
10 there?

11 Q. When was that, what year, what
12 month?

13 A. I am sorry, I would have to look
14 up on that. I will have to check up on that.

15 Q. Do you recall whether it was 1962?

16 A. No, it is a longer time than that.

17 Q. Five years?

18 A. Longer than five years.

19 Q. Ten years? After the war or before
20 the war or during the war?

21 A. During the war the navy had many
22 jobs up there. There were not too many jobs the pulp
23 mill had up there. I would take a guess and say ten
24 years ago. I would like to check on those dates, if
25 you don't mind.

26 Q. Yes, please. Now, we talked
27 about freshet this morning. Am I right in saying it is
28 just a period of the year when the levels of waters on
29 Saint John River are higher, when they are swollen and
30 the current runs faster?



1 A. Would you mind phrasing that again?

2 Q. Perhaps it would be simpler if you
3 were to define for me what a freshet is.

4 A. A freshet is a state where the
5 river rises to the extent that the tide coming in the
6 harbour doesn't rise high enough to stop the outflow of
7 the river drainage system or the fresh waters coming down
8 the river.

9 MR. JACQUES: We have a document, sir,
10 which has been published by the Department of Northern
11 Affairs and National Resources, but no one knows exactly
12 where it came from and when. It shows the levels of the
13 water of Saint John River from 1933 to 1961. Each year
14 has a different line, and this large curve is mean.

15 Do you have any objection to producing
16 this?

MT/dpw 17 MR. McKELVEY: No, not at all. We have
18 no way of verifying it, but it does illustrate the
19 problem we are talking about. That information is
20 available from government offices, and can be checked
21 if necessary, but I do not think there would be any
22 argument about it.

23
24 --- EXHIBIT NO. 41: Publication of Department of
25 Northern Affairs and National
Resources showing levels of Saint
John River - 1933-1961.

26 Q. So I show you Exhibit 41, if you
27 will look at it. Have you seen it before?

28 A. I have seen it before. I have not
29 studied it. I have seen it before, yes.

30 Q. What you mean is the increase in



1 the level of volume of water in Saint John River which
2 is shown on Exhibit 41 is very roughly the 1st of April
3 to the middle of June?

4 When the weather is foggy, do you normally
5 come in just the same or go out?

6 A. There are occasions when we go in
7 and go out in the fog. The state of tide and the parti-
8 cular ship has a lot of bearing on that. There are many
9 occasions we do operate in thick weather.

10 Q. Do you make use of radar?

11 A. Yes, we do.

12 Q. In your opinion is it possible to
13 come into Saint John Harbour strictly on radar?

14 A. Oh, I think it is possible, yes.

15 Q. Do you know if it has ever been
16 done?

17 A. Oh, it has been done. The thing
18 in Saint John Harbour it depends on what is the state of
19 the tide, I would say, as to how safe it is in operating
20 on radar alone.

21 Q. Now, about these large tankers.
22 You said they deserve more money. They deserve a sur-
23 charge. Why?

24 A. Well, I tried to explain that these
25 entail much more - you can't take chances like another
26 ship. You operate strictly within the channel. You
27 can't get out of the channel. You are operating the
28 top of high water. If the ship should touch the bank,
29 that ship is finished. As far as getting her off, you
30 won't get her off. You can't lighten her. The tide



1 will leave her too quick. The handling of the ship is
2 much more difficult than other normal ships.

3 Q. Because of her size?

4 A. Because of her size, yes.

5 Q. You also mentioned an evening-out
6 process in shipping which is due to these tankers; that
7 your work is more spread out now than it was before.

8 A. The evening-out process there is
9 that this refinery has given us the eight months, eight
10 lean months we have here; it has added to the business
11 of those eight months. It doesn't actually even it out.
12 As we pointed out, the percentage of ships, your biggest
13 percentage of ships are done in about three-and-a-half
14 to four months, but it definitely evens out in the sense
15 that instead of having nothing at all in the summertime,
16 we average somewhere around 40, 45 ships in the summer
17 months.

18 Q. What you said at page 5 of the
19 brief, "This situation has evened out somewhat in these
20 years compared with previous years." You mean you are
21 getting more shipping now during the summer than you used
22 to get? You are getting more jobs, as a matter of fact?

23 A. We are getting more jobs in that
24 sense, yes.

25 Q. Is it foreseen that other installa-
26 tions will be built up in Saint John which would bring
27 shipping to Saint John, to your knowledge?

28 A. I couldn't very well come out and
29 say yes to that. I don't know of any specific thing,
30 anything specific that you could say is definitely going



1 to bring more shipping here. There is a possibility of
2 metals being shipped through this point if they don't
3 go through the North Shore. Ores. I don't know of any.
4 I do not think I am qualified to answer that question.

5 Q. I thought you might have heard.
6 I am just asking. I am not trying to put you on the
7 spot. Let us go back to the pilot station. Do you pay
8 rent?

9 A. The Department has taken over the
10 pilot station or the upkeep of the pilot station and the
11 pilot boats, so we just have free office. The pilots
12 have free office space.

13 Q. The space which you described this
14 morning is at your disposal without charge?

15 A. That is correct.

16 Q. Do you pay for your telephone?

17 A. No, that is paid by the Department.

18 Q. You mentioned this morning that
19 the present pilot boat is suitable and one which we have
20 submitted to you was not suitable. Would you please
21 tell the Commission what you understand by a suitable
22 boat?

23 A. Well, a suitable boat for this
24 district is a boat - as we pointed out, once you leave
25 or open up Partridge Island you are at sea and you meet
26 heavy sea and the minute you open up Partridge Island you
27 need a heavy boat and you need a boat of sufficient length
28 and beam and power to operate under these conditions, and
29 we consider the present boat suitable.

30 When the pilots supplied their own boats,



1 they always had a boat of approximately this size. The
2 Department, at one time, thought we could operate a
3 smaller motor boat, and apparently we have convinced them
4 otherwise because we have this boat, and as we said this
5 morning, we would like to go on record as stating we are
6 satisfied with the type of boat we have now.

7 Q. So it has to do with the size of
8 the ship or length, the way she behaves at sea?

9 A. That is what we claim.

10 Q. How is she equipped? Has she got
11 radar?

12 A. The present boat is equipped with
13 a radar, an F.M. telephone, an A.M. telephone, the usual
14 equipment required by the Department; that is, lifesaving
15 equipment and fire equipment, and the equipment I
16 mentioned is about the only special equipment that is not
17 on board another boat.

18 Q. Are there any sleeping accommoda-
19 tions for pilots?

20 A. The boat had been built and we
21 were running her - we were captaining the pilot boat at
22 the time ---

23 Q. When was that, sir?

24 A. I think Captain Slocombe would know
25 the date when they took that over. I don't know just off-
26 hand, but we did run this boat until the Department
27 turned it over to the captains to run it. Now, we are
28 nothing more than passengers aboard the boat. We have no
29 quarters aboard the boat right now. They are being used
30 by other crew members.



1 Q. The quarters which existed some time
2 ago which you mentioned were for the captain of the pilot
3 boat?

4 A. It was for pilots, too. There were
5 rooms for pilots at that time when the pilots were opera-
6 ting it, and it necessitated two pilots out at once; one
7 pilot acting as captain and another pilot doing the pilot's
8 job.

9 Q. The crew on the boat; were they
10 apprenticed pilots or pilots or just ordinary crew members?

11 A. At that time - on these new boats
12 we have now they were crew members. They were crew
13 members in these latter years.

14 Q. So now you are just simply a
15 passenger on the pilot boat?

16 A. Just a passenger now. I would like
17 to qualify that in the sense that the captains do take
18 advice from us as to fitness for going out. If we suggest
19 to them or we tell them we do not think it is fit to go
20 out, they still respect our opinions. We are not just
21 passengers that they can order us around in that respect.

22 Q. There was also some reference to
23 various publications and documents and apparently they
24 are not accurate. We were quoted an excerpt from the
25 Nova Scotia Pilot which apparently was not accurate.
26 Was that reported by the pilots to the Canadian Hydro-
27 graphic Office?

28 A. I am afraid I could not answer that
29 question myself.

30 MR. McKELVEY: We have a witness who will



1 later be able to answer that question.

2 Q. You also mentioned this morning
3 sometimes you had to go outside the limits. Why would
4 you have to go outside the limits? There seems to be
5 lots of room for manoeuvring.

6 A. If we had the other charts where
7 the limits are marked on it would be more suitable.

8 Q. All right.

9 A. At the present time we have a big
10 tanker that is two miles about southwest of this buoy.
11 He is anchored there now. If he were coming up and there
12 is any swell or wind, we have to get out here because he
13 is such a size that he has to be slowed down. He can't
14 come in here and suddenly stop and go astern. These
15 ships require a long distance to take their way off.
16 That is why we are tied up with the tankers.

17 Other times, with a southerly wind, with
18 a light ship coming up, the wind astern and the ship
19 coming up, if we stay within the limits we have to follow
20 the ship and try to get alongside and keep in a position
21 so we can board him. We are trying to make leeway, and
22 as we are doing this the wind is pushing the ship up,
23 coming into the bight of land here. Rather than getting
24 tied up here, we want some sea room and try to give us
25 room to get aboard ship, try to get to the bridge and
26 pick up your buoy and take charge of the ship.

27 Q. This necessity to go out arises
28 from the fact that the ships are larger and not able to
29 slow down sufficiently in short enough distance to allow
30 you to board and pick up speed again?



1 A. No. This reason for going out is
2 to give yourself sea room, that you don't get the ship
3 crowded up into a bight. It is all landlocked when you
4 get up there, and if you can't get aboard on the first try,
5 he will have to act on his own. He would have to pull
6 her out of there ---

7 Q. Did it ever happen that you had to
8 try several times to board a ship?

9 A. It happens. That can happen any
10 dirty day at all.

11 Q. With tankers particularly?

12 A. Not particularly on tankers. The
13 tankers are coming up towards shallow water, and these
14 captains are not used to operating in shallow water.
15 They want to be out and have plenty of sea room. On a
16 rare occasion they will ask for a pilot to anchor. Some
17 of them come in, and they like to have time to bring them
18 up to anchor. They want you down four or five miles.
19 They want a little time so you can discuss just where you
20 are going to anchor and how the draught of water is, and
21 give them local conditions.

22 Q. Would that be done at the request
23 of the masters?

24 A. It would. At the request of the
25 master, yes.

26 Q. What difference do you make between
27 a pilotage due and surcharge? This morning it was stated
28 that you wanted an extra pilot and that you were willing
29 to come to an agreement with the Department that you would
30 not ask for an increase in pilotage dues, and you said



1 that you did not consider a surcharge a pilotage due.

2 What difference do you make between the two?

3 A. There is no difference when it
4 comes to the payment. We were trying to define a special
5 job, a special class of ship, supertankers. As we say,
6 we are satisfied with the general dues and the dues
7 picture. We think they should pay a cent a ton over
8 8,000 tons. You can term it a surcharge. I think it is
9 a surcharge in this respect because it is on account of
10 doing extra special work. If you want to term it that
11 way, I don't know how to crawl out of it, but that is
12 what it is.

13 Q. Actually there is no difference?

14 A. It is a surcharge in the respect ---

15 Q. Let me finish.

16 A. Oh, I am sorry.

17 Q. It is money you get for taking a
18 ship in?

19 A. Yes.

20 Q. That is what you consider?

21 A. Yes.

22 Q. Would you consider that a pilotage
23 due?

24 A. It boils down and it would be
25 pilotage dues, I will admit that.

26 Q. Your earnings, do you consider
27 them yearly earnings or monthly earnings or earnings per
28 job?

29 A. I would consider it would be
30 earnings per job.



1 Q. Why?

2 A. I am acting - all pilots are acting
3 as individuals. We are not hired by the Government, and
4 we are not hired by the shipping people. We have had
5 this tossed at us by the Minister, and nobody really
6 acknowledged who our employers are. Apparently I am a
7 businessman on my own, and I think I would have to
8 consider my earnings on the job in that respect.

9 MR. LANGLOIS: I thought we were not to
10 get proper cross-examination. I think we have a pretty
11 good example of that just now.

12 THE CHAIRMAN: What do you mean?

13 MR. LANGLOIS: I think he would be in a
14 better position - this could be done when we make our own
15 plea to explain what is the meaning of the terms that we
16 are using in the submission. Asking him what is the
17 difference between surcharge and a due, a pilotage due,
18 it is argumentative.

19 THE CHAIRMAN: He might ask as to what is
20 meant by these words. That is all right. It is a matter
21 for him to discuss later on in his argument, but he is
22 asking that to find out exactly what is meant by the
23 witness when he says that.

24 MR. JACQUES: All I wanted to ascertain
25 was his exact meaning of the words "pilotage dues" and
26 "surcharge." He said he would not ask for an increase in
27 pilotage dues, and shortly afterwards he said he would
28 ask for a surcharge. It seems to me it is contradictory,
29 and I wanted to have an explanation on the meaning of that.
30 I think, furthermore, that the attitude ---



1 THE CHAIRMAN: You were coming to the
2 other part where it is said he does not consider himself
3 as an employee but as a businessman.

/PB/dpw 4 MR. JACQUES: Yes. It derives from the
5 previous questions where he said he reckoned his earnings
6 from the job, not per year or per day or per month.

7 THE CHAIRMAN: It is an unimportant point,
8 anyway.

9 MR. McKELVEY: I believe that the question,
10 the argumentative question that is being asked is answered
11 by the wording of our brief. On page 11 the brief reads:
12 "In consideration of the appointment of a new pilot the
13 pilots have undertaken not to make the appointment of a
14 new pilot the occasion for a request for an increase in
15 dues." In other words, there will be no increase because
16 of a new pilot.

17 THE CHAIRMAN: He goes further than that.
18 He is trying to find what is their status, and we are
19 interested in that.

20 MR. McKELVEY: That is a different point.

21 THE CHAIRMAN: He is coming to that
22 indirectly.

23 MR. JACQUES: The terms of reference,
24 among other things, says: "The duties, responsibilities
25 and status of marine pilots." I think it is important
26 to find out how the pilot considers himself in relation
27 to the master. He has answered in relation to the master.
28 I am going on to the relationship to the pilotage
29 authority and the masters.

30 MR. McKELVEY: That is not what we were



1 talking about.

2 THE CHAIRMAN: That is all right. You
3 may go on.

4 Q. . . You mentioned this morning that a
5 large tanker was a four-hour job for six miles; correct?

6 A. I would say to tie it up, approxi-
7 mately four hours, yes.

8 Q. The cargo ship, the average cargo
9 ship, how long would it take?

10 A. The average cargo ship under the
11 same circumstances, that is, at anchor and proceeding from
12 anchorage into berth would take approximately - you want
13 the minimum and maximum time?

14 Q. Yes, please.

15 A. I would say probably it would be
16 about an hour from the time you anchored, the minimum
17 time. The maximum time, or the average maximum time -
18 I couldn't tell you exactly, I would say an hour-and-a-
19 half to an hour-and-three-quarters.

20 Q. So the average time for a ship would
21 be an hour-and-a-half?

22 A. I would say that would be fair
23 enough.

24 Q. What distance would you run for a
25 cargo ship? You said six miles for a tanker.

26 A. A cargo ship wouldn't be quite that
27 distance, but it would be - well, you could stretch it to
28 five. It could go to six miles out. If you go to the
29 lower section of the harbour you could go four to five
30 miles from the place she is anchored to where she docks.



1 Q. If she wasn't anchored would it be
2 longer or shorter?

3 A. If the ship was under way you would
4 be going from the time you boarded the ship anyway, from
5 the time you go aboard, shipping out, get ready to heave
6 anchor. It would consume time. It would be less time.

7 Q. It would take less time if the
8 ship was in anchor?

9 A. It wouldn't be less time. Once you
10 get your anchor up and the ship is under way it is prac-
11 tically the same time.

12 Q. Less time on the job?

13 A. If I board the ship at anchor and
14 once I get the anchor up and I am under way it will be
15 practically the same time for that job as I would be
16 boarding a ship under way.

17 Q. I am not talking about steaming
18 time. I am not interested in steaming time. I am
19 interested in time for the whole job.

20 A. Oh, it would be shorter for the
21 ship under way, yes.

22 Q. As regards movement control, this
23 morning it was stated that the pilots hadn't been given
24 credit for that work. I didn't exactly see what was
25 meant by that. Would you care to explain, please?

26 A. What I mean by that, on these cards,
27 these pilot cards we put time of boarding the ship and
28 leaving the ship and the time that is spent in the office
29 there is no official record kept of it. That is what I
30 mean by credit. There is no official record kept by



1 Ottawa of the time we do this, that is movement control.

2 Q. Isn't there a contradiction when
3 you say you are not getting credit for that time, but a
4 short while ago you said you considered yourself working
5 by the job?

6 A. I don't think we are aiming at the
7 same thing. You asked me how I considered my pay, how I
8 earned my money. I said by the job. Now we are talking
9 about time spent in the office. I don't know just what
10 you mean, what you want me to answer there.

11 Q. Are you requested to go down to the
12 pilot office to do that sort of work?

13 A. To do that?

14 Q. Requested by the supervisor to do
15 that?

16 A. No, we are not.

17 Q. It is done on your own?

18 A. It has been done for years. There
19 was no supervisor of pilots, superintendent of pilots,
20 handy to the pilots up until a few years ago, and the
21 present superintendent is next door. The pilots have been
22 accustomed to do this and the shipping agents are accus-
23 tomed to have them do it. All this co-ordination has
24 been going on for years. It is just a matter of routine
25 with us now. We figure we are doing a job to facilitate
26 movement of shipping.

27 Q. How often has it happened you had
28 more than two ships moving at the same time in the harbour,
29 say, during the past month or the past six months?

30 A. I wouldn't be able to give - I



1 could get figures on that.

2 Q. Roughly?

3 A. It is quite often; practically every
4 day in the winter season you have more than two ships at
5 the same time.

6 Q. How many would you have moving at
7 the same time?

8 A. I just don't know your terminology
9 "at the same time." Do you mean same tide or same hour?

10 Q. Same hour.

11 A. Within the same hour?

12 Q. In the same period of time. You
13 said your moving time was limited by tide; right?

14 A. On certain berths.

15 Q. On certain berths?

16 A. Yes.

17 Q. Does it happen with that sort of
18 berth, tidal berth, that two or three ships or four
19 ships are obliged to move during the same period of time
20 that is available for moving ships?

21 A. Oh, yes.

22 Q. It happens often?

23 A. It does happen often, yes.

24 Q. How many times does it happen that
25 the whole watch is busy at the same time?

26 A. Well, I couldn't say. There are
27 not too many times that the whole watch is busy at the
28 same time within this four-hour period, but we must bear
29 in mind that the pilot who does the first job is making
30 an effort to get back to cover jobs. A man can have two



1 jobs in that period depending on the type of jobs being
2 done.

3 Q. I understand that the first man,
4 the man assigned for the day does as many jobs as possible
5 during the day and so on?

6 A. That is right, on the inward watch.

7 Q. On the inward watches?

8 A. Yes.

9 Q. That doesn't apply on the outward?

10 A. On the outward we try to keep it
11 tour de roll.

12 Q. Exhibit 40, your telephone book,
13 I see 11.15 on February 11th, port doctor. What would
14 that be?

15 A. The port doctor, the quarantine
16 doctor and his assistant, they call us up to know what
17 time a particular ship will be docking so that they can
18 go out and board her when the ship is docked, when the
19 gangway is out. That saves time and effort. It saves
20 time and effort of going an hour or two early. We help
21 them out and let them know the best time to go down. It
22 saves time.

23 Q. I see 11.12 V.A.R. called, rundown
24 of ships.

25 A. V.A.R. is our local station, our
26 local station here, Saint John radio.

27 MR. McKELVEY: Perhaps I might interject.
28 This is the Department of Transport radio station, V.A.R.
29 are the call letters.

30 THE WITNESS: They called up on that



1 occasion, I believe there were four or five ships anchored
2 outside and some had come in, and they had traffic for
3 some of the ships, and they wanted to know what ships
4 were left outside and what were in.

5 Q. When no pilots are available at the
6 pilot office where do they get their information?

7 A. If there are no pilots available
8 and none of the crew there, say the pilot boat is out,
9 and it is during the night, if the superintendent has
10 gone home, there is no way of getting it. They have to
11 wait until the pilot boat comes back. These calls are
12 left to the telephone answering service and we call the
13 T.A.S. and ask what calls there have been and we can
14 check them through.

15 Q. I see an item here "laundry;" what
16 is that?

17 A. Can I see it? I might have a better
18 idea.

19 Q. 15.45 - I can't make out the
20 writing.

21 A. This is Trecartin. This is the
22 gentleman that runs a laundry business here. They have
23 a lot of business on the ships. He will call up and ask
24 what ships are due and what ships are ready to sail. It
25 kind of facilitates his business.

26 Q. Have you been requested by ship-
27 owners to do that?

28 A. No, we haven't. We just consider
29 it is more or less - we like to help keep things going.
30 It isn't detracting from anything. It is helping to



1 assist the movement of ships.

2 Q. Do you consider this part of your
3 duties as a pilot?

4 A. The way I was brought up, I just
5 figure this is something we do. I figure - I don't like
6 to stop doing it. If they call me I don't like to say,
7 "I don't have to answer that. I don't have to give you
8 that information." I might as well give it to them.

9 Q. All these 'phone calls, say those
10 directly relating to ship movements, do you consider this
11 part of your duty?

12 A. I consider it is facilitating the
13 movement of ships. If a ship has laundry due and I go
14 aboard and the laundryman doesn't come I have to wait
15 until the laundry is delivered to the ship.

16 MR. McKELVEY: I wonder if my learned
17 friend might clarify that. Is he talking about laundry?
18 I don't think the witness understands your question.
19 --- Question repeated.

20 THE WITNESS: I have always considered it
21 as part of my duty in the sense that I was brought up that
22 way. I never gave consideration. I just normally thought
23 I did it and that's it. I suppose I could refuse to
24 do it, but I never gave it a thought. That is the way
25 we were brought up to answer the 'phone, and we do it.
26 I consider that it is facilitating the movement of ships.
27 It co-ordinates. It helps to keep the ships going,
28 shipping in the tidal port.

29 Q. What percentage of your time on
30 duty is spent making these telephone calls; not directly



1 necessarily, for the movement of ships at your job?

2 A. I don't know. I wouldn't know.

3 I mean there is a record of official calls, calls there.

4 That is the only record of calls to work on.

5 Q. Do all pilots on watch go down at
6 the station, at the pilot station?

7 A. Do --?

8 Q. All pilots on watch report at the
9 pilot station for the whole day?

10 A. No, I wouldn't say they report for
11 the whole day.

12 Q. How many of them do?

13 A. They all will, generally all come
14 in during the day. It depends what turn they are. They
15 will call up to find out what jobs are going to take place.
16 Generally they all show up during the day, sometimes once
17 or twice a day.

18 Q. And at night?

19 A. Depending on the amount of work.
20 If we anticipate any work - we generally can anticipate
21 what ships are due. The agents let us know, give us a
22 rundown, what they expect for the following day or night
23 and we call, whoever is in charge that day calls the
24 fellow pilots and lets them know just about what to
25 expect during the night, some outward ships or moving
26 ships.

27 Q. Have you ever worked out the
28 average number of jobs per day?

29 A. I never worked out the average -
30 the average per day for the year? No, I never worked out



1 the average number per day. I had worked out some. I
2 worked out more or less the average number of jobs for a
3 pilot for a year.

4 Q. What would that be, if you recall?

5 A. It comes to about 1.1 jobs a day.

6 Just a minute now, it works out under one job a day. I
7 am not quite sure. I would have to look at it. I would
8 rather look it up.

9 Q. You have in Schedule "C" in 1962
10 nine pilots and 1,707 assignments. That is 190 jobs for
11 the pilot for the year. In 1961 you have 1,913 jobs for
12 the number of pilots indicated, roughly 238 per year.

13 THE CHAIRMAN: It could be figured out from
14 the records we have.

15 MR. JACQUES: That is all, thank you.

16 COMMISSIONER SMITH: There is only one
17 question, My Lord, I would like to ask the witness. You
18 stated earlier in your testimony an answer to a question
19 as whether there were any casualties in the harbour; I
20 think you said the Manchester drifted out of control and
21 that was the only one you could recall. Am I right in
22 that?

23 THE WITNESS: At that time I think - I
24 said it was before my time.

25 COMMISSIONER SMITH: You had heard about
26 this one?

27 THE WITNESS: I saw the ship myself.

28 COMMISSIONER SMITH: Before you were a
29 pilot?

30 THE WITNESS: I was going to school.



1 COMMISSIONER SMITH: Just to follow that
2 up a little, it is my recollection, in 1944 the Beaver
3 Hill grounded through no fault of the pilots. Don't get
4 any interpretation of that in your mind. I can't recall
5 any major casualty in the harbour since that time. Could
6 you verify that? I am speaking about a major casualty.

7 THE WITNESS: Yes, we had a ship back in
8 fourteen; she was full of grain - she went ashore during
9 the first time in dock; the Pennington Court, that was
10 the first one. Then we had another ship on the island -
11 I have forgotten the extent of the damage. She was on
12 the island, a Beaver boat. At the time you were
13 questioning I understood you were asking for a specific
14 part of the harbour.

15 MR. JACQUES: I was, Partridge Island.
16 That is why I didn't mention the Beaver boat. I didn't
17 realize.

18 COMMISSIONER SMITH: I wasn't thinking
19 about any discrepancy in your statement at all. All I
20 wanted to get at, this harbour is a comparatively safe
21 harbour. I know it has difficulties, as mentioned here
22 today. It is a comparatively safe harbour?

23 THE WITNESS: Yes.

24 COMMISSIONER SMITH: Would you agree with
25 that?

26 THE WITNESS: I would agree with that.

27 THE CHAIRMAN: With skilled pilots.

28 Well, gentlemen, are we through?

29 MR. McKELVEY: I have a few questions on
30 re-direct which should not take very long.



1 THE CHAIRMAN: That is all right. We had
2 better finish with him rather than adjourn in the middle
3 of the witness.

4 /BL/dpw
5 RE-DIRECT EXAMINATION BY MR. McKELVEY:

6 Q. Mr. Quinn, you marked on one of the
7 charts, Exhibit 25, a location which I believe is marked
8 with an "A", roughly a mile southwest of Black Point buoy,
9 being, as I understand it, the location where you pick up
10 vessels; is that right?

11 A. Yes, the majority of them.

12 Q. That would be under normal condi-
13 tions, would it?

14 A. That would be under normal condi-
15 tions in the majority of our jobs.

16 Q. What would happen under abnormal
17 conditions such as a stiff sou'wester in the middle of
18 winter?

19 A. Well, I would have to meet that
20 ship further southwest, further out.

21 Q. For safety factor?

22 A. To give myself sea room for safety
23 factor, yes.

24 Q. So where you have marked would be
25 where you would expect to board a vessel under normal
26 circumstances; is that right?

27 A. Yes.

28 Q. Now, my learned friend, when you
29 talked about currents, asked you if you relied on official
30 publications and your own experience, and you said yes.



1 What principally do you rely on in giving the evidence
2 you have given today about currents?

3 A. The principal reliance I would have
4 is on experience, the experience in the years.

5 Q. In watching the currents?

6 A. Watching the currents and in the
7 jobs performed through the years.

8 THE CHAIRMAN: I think the question was
9 on the speed of the current and not on the currents
10 generally, three knots, two knots.

11 MR. McKELVEY: Yes. I don't intend to
12 comment personally. That statement, three knots and two
13 knots, is directly from the tide tables. It should have
14 been referred to in the brief and added as a footnote.

15 Q. Now, you were also asked a question
16 if you knew anything about something that might increase
17 the shipping in the port of Saint John. You have read,
18 I presume, of certain things taking place in the St.
19 Lawrence involving ice breakers at government's expense,
20 opening up channels to get ships in there earlier than
21 they did before. Do you read the paper, Mr. Quinn?

22 A. Yes.

23 Q. If the St. Lawrence should become
24 a river that is navigable in winter, can you express
25 any views as to what could happen to the traffic in the
26 port of Saint John? Would it increase or decrease?

27 A. Well, all I could say there is that
28 I would be thankful we have an oil refinery here and a
29 sugar refinery. The rest of them would be in Montreal.

30 Q. But this port is primarily a winter



1 port?

2 A. Yes, I would say so.

3 Q. And the ships that come here in the
4 winter, the ones that make up the 55% referred to this
5 morning, where do they go in the summer?

6 A. They use the St. Lawrence.

7 Q. Would it be safe to say that a good
8 many of them would use the St. Lawrence in the winter if
9 it was free of ice?

10 A. I would assume they would do this.
11 The minute one company goes, I assume they would all use
12 it eventually.

13 MR. McKELVEY: That is all I want to ask
14 on that, My Lord. I don't want to get involved in that.

15 Q. Now, you were asked about the
16 equipment on the pilot boat. Do you have a depth sounder
17 on the pilot boat?

18 A. No. An echo sounder, you mean?

19 Q. Yes.

20 A. No.

21 Q. Would it be advantageous to have
22 one?

23 A. We had requested one from the
24 Department, but in their wisdom they didn't give it to us.
25 We did request one.

26 MR. McKELVEY: I may say on that point,
27 Mr. Chairman, that I propose to file a further schedule
28 to our brief containing suggestions as to aids to naviga-
29 tion, and this suggestion was one of them, and further
30 evidence will follow.



1 Q. Now, the pilot boat, you were
2 asked about the provisions on the pilot boat and the
3 quarters. Is there food available to be served on the
4 pilot boat?

5 A. No, there is nothing.

6 Q. You were also asked as to the
7 suggestion that the limits of the pilotage district
8 should be extended. Have you, in your experience, run
9 across ship captains who refuse under difficult weather
10 conditions to come within the district and insist on the
11 pilots going outside?

12 A. Oh, yes, we do run into that. Some-
13 times you will get a captain who hasn't big enough charts
14 for the local district and requests the pilots to go out-
15 side.

16 Q. And you go out, of course?

17 A. We accommodate them to the best of
18 our ability.

19 Q. Dealing with the suggestion that a
20 surcharge be placed on tankers; when the tankers first
21 started coming here was there a suggestion made in
22 regard to anything which would involve increase in
23 pilotage fees that you know of?

24 A. When these ships were first talked
25 of they were something new for this port. We were all
26 inexperienced, more or less, as to what to expect, and
27 the shipping company, some of their men met with the
28 pilots and we discussed how these ships operated, how
29 they handled and what draught of water, how much water
30 they should have under their keel, and one of them



1 suggested in front of a Department man, Captain Jones,
2 I believe, was present, if we wanted we could take two
3 pilots, one pilot who already had a couple of jobs on
4 supertankers and he would take another pilot along with
5 him to break that pilot in and they would pay double
6 pilotage.

7 Q. Who made that suggestion? I am not
8 interested in names.

9 A. A representative of the owners of
10 these big tankers.

11 Q. Now, dealing with my learned
12 friend's questions to you that you used the term that
13 you didn't get credit for the time used in the movement
14 control, I am showing you a form called the Pilot's Source
15 Form. Can you identify that?

16 A. Yes.

17 Q. What is it?

18 A. That is one of the pilot cards we
19 have to take on board ship, and generally the captain
20 fills it out with tonnage, gross and net, draught, ship's
21 name.

22 Q. This is a source form that is filled
23 out for each pilotage assignment?

24 A. Yes.

25 Q. And you show your time employed in
26 navigating the vessel?

27 A. More or less, yes.

28 Q. Where is this form submitted to
29 after you have finished with it?

30 A. It is handed to the superintendent



1 of pilots after we come back from the job.

2 Q. Is there any other record of the
3 pilots' time submitted to the superintendent of pilots
4 to provide the Department with material to make statis-
5 tics?

6 A. To my knowledge, that is the only
7 written record. There was talk that we were credited
8 with more time, but I don't know.

9 MR. McKELVEY: I would like to offer this
10 card in evidence, sir. It is called a Pilot's Source
11 Form.

12
13 --- EXHIBIT NO. 42: Pilot's Source Form.

14
15 Q. You were asked if you considered
16 that it was part of your duty as a pilot to perform this
17 movement control. Mr. Quinn, if the pilots didn't do
18 this in the port of Saint John, who else, in your opinion,
19 would do it?

20 A. I don't know of anybody else in the
21 port that would do it on the basis of time involved by the
22 pilots now. I don't know of anybody else.

23 Q. Would there be anybody else in the
24 port of Saint John or any other office who is here now
25 who would have the training and experience of the pilots?
26 Is there any other office in the port of Saint John with
27 people in it with the training and experience you pilots
28 have in order to answer these questions?

29 A. No, I don't know of any.

30 Q. You were also asked whether all the



1 pilots on a watch are in the pilot rooms during the day.
2 Dealing with the ones that are not actually in the pilot
3 rooms, are they on call during the days they are not on
4 watch?

5 A. They are on call at all times.
6 They are within telephone calling time.

7 Q. You were asked for information on
8 the average number of jobs per day. Now, in view of the
9 fact that you have roughly 55% of your business in four
10 months, would a yearly average or would a daily average
11 based on yearly figures be an accurate idea of the jobs
12 the pilots perform?

13 A. No, I don't see how it could be.

14 Q. Because of the large volume in four
15 months?

16 A. Because of the large volume in four
17 months; and there are months in the summer months you
18 might have days with nothing going.

19 MR. McKELVEY: I have no further questions.

20 MR. JACQUES: I am glad to see that my
21 friend will submit a further brief on aids to navigation.
22 In fact, we should like to have it, and I wish, in submit-
23 ting his brief, he will refer to the two charts that have
24 been filed.

25 Now, I have a couple more questions.

26 MR. McKELVEY: I may say, Mr. Chairman,
27 that I would like to file now with the Commission what
28 is Schedule "D" to our previous submission, which is a
29 number of additional suggestions, and evidence will be
30 tendered to explain these. They are all of a minor



1 nature and easily explained.

2 THE CHAIRMAN: Would you need Mr. Quinn
3 for that?

4 MR. McKELVEY: No, we will use another
5 witness for that.

6 It is "D" to the schedules in Exhibit 39.

7

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12 RE-CROSS-EXAMINATION BY MR. JACQUES:

13 Q. Do you think winter navigation in
14 the St. Lawrence will ever come about?

15 A. I am afraid it is already here.

16 Q. Would it make you lose the traffic
17 here if it were?

18 A. Quite definitely.

19 Q. Then why should you require another
20 pilot?

21 A. Well, this is taking place. As far
22 as we understand, it will take ten years, and between now
23 and ten years we could lose a lot of our pilots and still
24 need men.

25 Q. Are there not a few of your pilots
26 who never go down to the pilot office to attend to the
27 'phone as you do?

28 A. Pardon me? Are there a few that
29 don't go down?

30 Q. That never go down to do this



1 movement control.

2 Q. I wouldn't say that there were any
3 pilots that never go down. They would go down at some
4 time or other.

5 Q. Some go more frequently?

6 A. Yes.

7 Q. Tell me, what are the reasons
8 behind your request for the limits of the district to be
9 extended? Under the bylaws, the supervisor may authorize
10 any pilot to operate outside the district. What would
11 be the purpose in extending the limits?

12 A. The purpose or the reason - as you
13 know, we lost a pilot boat with all hands. That pilot
14 boat was lost in the pilotage district. In thick weather,
15 what would be our status if we were out of the district?
16 They could come back and say: "You had no right to be out-
17 side the district."

18 Q. Is that the only reason?

19 A. That is the major reason. It is
20 for our own protection in the case of a ---

21 Q. Would you care to give the other
22 reasons, please?

23 A. That is the reason.

24 Q. When I asked you if it was the main
25 reason, you said it was one of the reasons. I wanted to
26 know the other ones.

27 A. That, to my mind, is the reason.
28 We are not out of our district, we are in the district.

29 MR. McKELVEY: I would like to comment
30 here that the reason for any particular suggestion is



1 partly a matter of evidence and also partly a matter of
2 argument, and the matter of argument and presentation of
3 evidence is a matter for counsel.

4 THE CHAIRMAN: But it is the question of
5 their protection and responsibility.

6 Well, gentlemen, shall we adjourn until
7 tomorrow morning at 10 o'clock?

8
9 --- Whereupon the hearing adjourned at 5.30 p.m. until
10 10 a.m., Friday, 15th February, 1963.

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